James Bruce Ross
Vassar College

REINSCH LIBRARY
MARYMOUNT UNIVERSITY

Presented by

JAMES BRUCE ROSS

THE STATESMAN'S BOOK OF JOHN OF SALISBURY

POLITICAL SCIENCE CLASSICS SERIES

Already published:

CHINESE POLITICAL PHILOSOPHY
By William S. A. Pott

AN ENQUIRY CONCERNING POLITICAL JUSTICE
By William Godwin
edited by Raymond A. Preston; 2 Vols.

POLICRATICUS
By John of Salisbury
edited by John Dickinson

In Preparation:

POLITICAL WRITINGS OF JAMES WILSON
edited by Randolph G. Adams

TRACTATUS POLITICUS
By Spinoza
edited by Albert G. A. Balz

DE RE PUBLICA
By Cicero
edited by George H. Sabine and Stanley B. Smith

POLITICAL SCIENCE CLASSICS
ISSUED UNDER THE GENERAL EDITORSHIP OF LINDSAY ROGERS,
OF THE FACULTY OF POLITICAL SCIENCE, COLUMBIA UNIVERSITY

The STATESMAN'S BOOK *of* JOHN OF SALISBURY

Being the Fourth, Fifth, and Sixth Books, and Selections from the Seventh and Eighth Books, of the

POLICRATICUS

Translated into English with an Introduction by
JOHN DICKINSON, A.M., PH.D. [Princeton]
LL.B. [Harvard]
Lecturer and Tutor in Harvard University; sometime Charlotte Elizabeth Proctor Fellow in Princeton University

NEW YORK · ALFRED · A · KNOPF · MCMXXVII

1st, 2nd, 3rd + parts of 7th Transl. by J. Pike, 1938

COPYRIGHT 1927, BY ALFRED A. KNOPF, INC.
SET UP, PRINTED AND BOUND BY THE VAIL-BALLOU PRESS, INC., BINGHAMTON, N. Y. · PAPER FURNISHED BY H. LINDENMEYR & SONS, NEW YORK

MANUFACTURED IN THE UNITED STATES OF AMERICA

TO

ANDREW FLEMING WEST

Teacher: Builder: Humanist,

in gratitude and affection.

EDITORIAL FOREWORD

The following translation of the earliest, and one of the most influential of mediæval treatises on politics, should have a practical rather than an antiquarian interest. The political thought and institutions of the Middle Ages are receiving increased attention from modern students. This is as it should be, for certain theories and problems of the Twelfth Century are not without their Twentieth Century parallels. Such a connection between widely separated epochs gives a more concrete meaning to the phrase "the unity of history." It is not necessary to multiply examples. Anthropologists investigating the life of primitive peoples throw fresh light on present day behavior. Historians of the Roman Empire deal with problems which now, as they did then, result from an enlargement of the area of human intercourse. Scholars in different fields are continually unearthing streams of tendency and development which in hidden ways exert their modern influences from the graves of a past that refuses to die. The Policraticus has its modern applications, and not the least apposite ones are in the United States.

Too definite a connection, of course, should not be insisted upon, but the main lines, though dim, are unmistakable. Recent political theorists have sung the requiem of the unitary system of the Renaissance nation-state. Whether the wrong music was chosen, or whether the chorus was premature remains to be seen. It cannot be denied, however, that we now have diversities and multiplicities of interests that put heavy strains on the political institutions of the modern state. Internally, the state must avoid dissolving into a welter of competing groups, while externally these same groups reach across national boundaries

and threaten other states. What emerges even more clearly is that amid such confusion, the mechanism for the orderly expression and adjustment of the wills of the different groups breaks down. The problems to be decided are too complicated, the wills are too numerous and too irreconcilable, and the human capacity for attention is too limited. Thus an increasing number of pessimistic writers are doubting whether public opinion is a possible, or, if possible, whether it is a safe motive force for political institutions. Cries are becoming more numerous that "democracy" is breaking down, and there are tendencies to seek automatic good government either in the rule of "experts" administering a supposedly satisfactory set of ready made scientific principles, or in the personal excellence of a supposed superman vested with the powers of a dictator. These alternatives represent a recrudescence of ideas prevalent in the early Middle Ages, under conditions of confusion in many ways similar to our own, and before machinery for organized group action had yet been evolved.

There is also, as has been said, an added interest for Americans in the study of such mediæval ideas. In the United States there are at work the forces of complexity and confusion which are incidental to modern life everywhere, but mediæval ideas are also encouraged by our special form of government. The American Constitution puts no premium on government by discussion; it makes difficult the formulation of enlightened public opinion. Whether wisely or no, we do in fact use governmental machinery which is so checked and balanced that it can respond only at fixed intervals and when public pressure is especially strong. We rely to a much greater degree than do other political systems on a body of higher law supposed to be evolved from written constitutions by the expert consciousness of judges. We resort in times of stress to the personal power of a President, who is thought to represent and act for the whole nation in a way denied to our representative assemblies. The

country desires these assemblies to be as little in evidence as possible. We seem to crave executive authority and prefer to be told rather than argued with.

For these reasons, the lamp of the Middle Ages burns with a light that may illumine our present. The lamp, however, has been neglected. With one exception, this volume is the first modern translation of an important mediæval political treatise to appear in English. Mr. Dickinson brings to his editorial task the equipment of an original training in the classics followed by graduate studies in political science and law, and by several years of active legal practice. He deals with the Policraticus as a student of politics rather than of philology, and applies to twelfth century institutions and ideas a practical as well as a theoretical knowledge of the problems of constitutional law and government.

L. R.

PREFACE

The aim of this book is to make available for a wider circle of readers an outstanding mediæval treatise on politics. The political literature of the middle ages has no such compelling and universal human appeal as belongs to the great masterpieces of classical political thought; but from the narrower stand-point of political science it is at least equally deserving of study. The mediæval literature represents not the lonely insight of great thinkers, but the commonplace ideas which ruled the common minds of men for long centuries and wrote themselves indelibly into abiding institutions; and it must not be forgotten that the modern world is the direct heir of mediæval institutions and ideas, while it is the heir of classical antiquity only indirectly. The Policraticus has more light to shed on the issues of 1688 and 1789 than either the Republic of Plato or the Politics of Aristotle.

The increased attention paid to social history by the newer schools of historical writers has served to emphasize the importance of the history of thought; and this means not so much the history of the systematic theories of particular thinkers as of the broad currents of thought which, coming to the surface with varying emphasis in the writings of different individuals, can yet be said to underlie and characterize the whole culture of a period. From this stand-point the history of thought during the middle ages, and especially of political thought, is of the utmost consequence; for it represents the seed-plot of many, if not most, of the ideas and attitudes which became explicit for practical effectiveness in later periods. The signifi-

cance of the Policraticus is that it contains the inchoate and incipient forms of so large a number of the political doctrines which were to identify themselves with greater clarity in later centuries.

Considerations of space have made it impossible to present here more than approximately half of the entire treatise. While the amputation has eliminated some of the finest parts, notably the chapters on philosophy at the commencement of the Seventh Book, the plan and scope of the work minimize the loss for the student of politics. The political thought of the Policraticus is loosely embedded in a general discussion of manners and philosophy in such a way that it has proved easy to separate and present here in their entirety all the directly political sections without doing violence to the integrity or consecutiveness of the treatment. The result is a practically self-contained treatise, disengaged from a mass of other materials which, however important from the standpoint of literary history, have only an indirect political relevance.

The text used for the translation is that of Professor Clement C. J. Webb's monumental edition, Oxford, 1909. The existence of Professor Webb's elaborate annotations, as well as the specialized purpose for which the present translation is intended, have led me to restrict the footnotes, with a few exceptions, to indicating the sources of direct quotations. For convenience of reference biblical citations, except to the apocryphal books, are to the Revised Version rather than to the Douai version. In the case of proper names an effort has been made to reproduce the spelling of Professor Webb's text. In the Introduction I have resisted the temptation to duplicate biographical, historical and critical material which is easily available elsewhere. I have rather tried to indicate the place of the Policraticus in the development of political thought and to show its connection with preceding and subsequent theories. I have emphasized especially the theory which it contains of the relation

between law and government and its doctrine of a "higher law;" not only because of the perennial importance of this set of problems for political science, but more particularly because it was this aspect of the thought of the Policraticus which first seriously attracted my attention in the course of preparing my book on *Administrative Justice and the Supremacy of Law* (Harvard University Press, 1927), a treatment of some of the current aspects of the same problem.

For counsel and aid in making the translation I am under many obligations. Chief among these is my deep indebtedness to Professor Edward Kennard Rand who generously supplied comments and suggestions on a large number of passages which seemed to me to leave room for differences of opinion. For similar aid in special fields I am indebted to Professors Ephraim Emerton, George LaPiana, Charles H. McIlwain and Chandler R. Post. I have had the satisfaction throughout my task of receiving from Professor Haskins a constant encouragement which, from such a source, supplied the highest incentive to workmanship. Professor Alfred O'Rahilly of University College, Cork, Ireland, called my attention to a number of matters which would otherwise have escaped me. The editor of the series, Professor Lindsay Rogers of Columbia University, has exercised his editorial functions with the patience and sympathy of generous personal friendship; and Mr. Paul B. Thomas, of Alfred A. Knopf, Inc., the publishers, has shown exemplary forbearance and understanding of the details and delays incidental to the preparation of a book of this character. Apart from these immediate and specific obligations, I have a sense of underlying debt to the teachers whose aid and inspiration in the past aroused my interest in the Latin language and literature: Edward Lucas White, Esq., of Baltimore, Maryland: Professor Wilfred P. Mustard, of Johns Hopkins University; and the distinguished scholar who first made me see the charm and importance of the Latin literature of the middle ages

in general, and of the Policraticus in particular, and to whom I have dedicated this book, Dean West of Princeton.

John Dickinson

BRIER HILL,
ASHFIELD, MASS.,
APRIL, 1927.

CONTENTS

INTRODUCTION: THE PLACE OF THE POLICRATICUS IN THE DEVELOPMENT OF POLITICAL THOUGHT xvii

I THE COMMONWEALTH xviii

II THE LAW xxvii

III THE PRINCE AND HIS GOVERNMENT xl

IV THE CHURCH lviii

V TYRANNY, TYRANNICIDE, AND INDIVIDUAL LIBERTY lxvi

THE POLICRATICUS

TABLE OF CHAPTERS lxxxv

BOOK IV 3

BOOK V 63

BOOK VI 171

BOOK VII 281

BOOK VIII 335

INTRODUCTION

THE PLACE OF THE POLICRATICUS IN THE DEVELOPMENT OF POLITICAL THOUGHT [1]

The Policraticus of John of Salisbury is the earliest elaborate mediaeval treatise on politics.[2] Completed in 1159, the date of its composition makes it a landmark in the history of political speculation for two reasons. It is the only important political treatise written before western thought had once more become familiar with the Politics of Aristotle. It thus represents the purely mediaeval tradition unaffected by ideas newly borrowed from classical antiquity. It is the culmination in their maturest form of a body of doctrines which had evolved in unbroken sequence from patristic literature in contact with the institutions of the earlier middle ages. In the second place it comes just before the important turning-point in institutional development at the end of the twelfth, and at the beginning of

[1] LITERATURE: *"Ioannis Saresberiensis Episcopi Carnotensis Policratici, sive de Nugis Curialium et Vestigiis Philosophorum, Libri viii, recog. Clemens C. I. Webb, Oxonii, MCIX,"* hereafter cited as Webb; *"Johannes Saresberiensis,"* C. Schaarschmidt, Leipzig, 1862; *"Die Staats- und Kirchenlehre Johanns von Salisbury,"* Paul Gennrich, Gotha, 1894; *"Die Staatslehre Johanns von Salisbury,"* Ernst Schubert, Inaug. Diss., Berlin, 1897; "John of Salisbury and the Policraticus," by E. F. Jacob in *"Social and Political Ideas of Some Great Mediaeval Thinkers,"* ed. F. J. C. Hearnshaw, New York, 1923; *"History of Mediaeval Political Theory in the West,"* R. W. and A. J. Carlyle, vol. iii, pp. 136–146, vol. iv, pp. 330–337; *"Illustrations of the History of Mediaeval Thought and Learning,"* by Reginald Lane Poole, 2 ed., London, 1920.

[2] "The first attempt to produce a coherent system which should aspire to the character of a philosophy of politics," R. Lane Poole, *"Illustrations of Mediaeval Thought,"* 2 ed., p. 204.

the thirteenth, century, when legal precision began to be stamped on a great number of previously indefinite relationships and when feudal independence tended to become consolidated into definite organs of political control. It therefore speaks from a point of view which was about to disappear, but which it is all the more important to understand because it contributed a heritage of ideas whose momentum made them, in spite of the newer influences, the dominant force in political thought down to at least the middle of the sixteenth century.

I. The Commonwealth

The first half of the twelfth century was in some respects the great age of conscious feudalism. It is therefore striking that there is hardly a trace of contractual feudal theory in the Policraticus.[3] It is true that in one passage John of Salisbury accepts the feudal doctrine that public offices are transmissible by descent like private property;[4] in a second he conceives the relation between the prince and his subjects in terms of the oath of fealty;[5] in a third he denies the right of tyrannicide to those who are bound by fealty to the tyrant.[6] But these passages are exceptional; the whole view of the state which is presented is at variance with the conception that there is anything contractual or voluntary in its composition.

The obvious explanation of this failure to mirror a dominant contemporary tendency is almost certainly the true one,—namely that John represents the standpoint and theory not of purely secular politics but of the Church. But this by no means implies that his viewpoint is academic or aside from the main currents

[3] This is noted by Schaarschmidt, *"Johannes Saresberiensis,"* p. 349.

[4] Bk. v, c. 6, *infra.*

[5] Bk. vi., c. 25, *infra.* Dr. Lane Poole goes too far in saying that "there is not a trace even of the terminology of feudalism." *"Illustrations of Mediaeval Thought,"* 2 ed., p. 204.

[6] Bk. viii., c. 20, *infra.*

of practical governmental development. On the contrary the ecclesiastical theory of the state was a powerful element in practical politics throughout the feudal period in opposition to the distinctively feudal theory; and it was precisely this ecclesiastical theory which was at the basis of the pretensions of national monarchy against feudal aggression, and which served to keep alive the conception of "commonwealth" during an era of particularistic disintegration. Luchaire has pointed out that the monarchy of Hugh Capet and his immediate successors was royalty of an ecclesiastical character inheriting Roman tradition through the channel of church theory, and that at the era of its lowest ebb it was prevented by this theory from ever degenerating into purely feudal suzerainty.[7] From the standpoint of practical development this body of ecclesiastical-Roman doctrine is accordingly vital in that it was the doctrine which finally emerged triumphant in the triumph of national monarchy; and its statement by John of Salisbury is therefore significant as a stage in the transmission of the conception of organic political unity from antiquity to modern times.

The conception of a true political relationship between the members of a state as distinguished from the mere network of private relations to which feudalism tended to reduce them[8] is embodied in the survival and use of the term "respublica" or "commonwealth." It is the ear-mark of the ecclesiastical-Roman as opposed to the feudal view; and it occurs repeatedly not merely in political treatises written by churchmen, but in the official utterances of princes and their ecclesiastical advisers from the time of Charlemagne to the date of the Policraticus.[9]

[7] *"Institutions Monarchiques,"* 2 ed., i, 35–59; Guizot, *"Histoire de la Civilization en France,"* 11th ed., 1869, iii, 290 ff; 312 ff.

[8] Luchaire, in Lavisse, *Hist. de France,* vol. ii, pt. 2, pp. 7–14.

[9] e. g. Hincmar of Rheims, *"De Regis Persona et Regio Ministerio,"* praef., in Migne, *P. L.*, tom. 125, col. 834; Sedulius Scotus, *"De Rectoribus Christianis,"* c. vi., *et passim,* Migne, *P. L.,* tom. 103, col. 291 ff; speech of Adelbero at election of Hugh Capet, Richer, *Chron.,* ed.

The term implies some grasp of the meaning of political organization; and this perception comes to even clearer consciousness in another kindred conception which reaches its first full development in the Policraticus and has generally been treated as the most striking feature of John's political thought,—the so-called "organic analogy," or comparison of the body politic to a natural organism.

The organic analogy, which was so congenial to the symbolic tendency in mediaeval thought, and which after its first elaboration in the Policraticus was to reappear with ever increasing refinements down to its culmination in Nicholas of Cues,[10] traces back in part no doubt to the Christian identification of the Church with the body of Christ.[11] The union of Father and Son in the Trinity was used to explain the coexistence in the "body" of the Church of the temporal and priestly powers.[12] In an introduction to the Institutes of Justinian which Fitting attributes to a date between 850 and 1100, and which he regards as representing earlier Byzantine tradition, the different ranks in the imperial hierarchy are compared to different parts of the human body—the prince to the head, the "illustres" to the eyes, the "spectabiles" to the hands, the "clarissimi" to the thorax, etc.[13]

Waitz, pp. 132–33; charter of Philip I to Abbey of St. Denis, 1068, *"Recueil des Actes de Philippe Ier,"* ed. Prou, p. 115. The word seems to have been transmitted through Augustine, as in the earlier treatises it is often found in quotations from his works. See Jonas of Orleans, *"De Institutione Regia,"* c. xvii., in D'Achéry, *Spicilegium*, tom. i., p. 324. Jonas's work is also in Migne, *P. L.*, tom. 106.

[10] *"De Concordantia Catholica,"* i, cc. 1–6, in Schard, *"De Jurisdictione,"* pp. 465 ff.

[11] Gierke, *"Political Theories of the Middle Age,"* tr. Maitland, note 77. See Rom. xii, 4, 5.

[12] Hugh of Fleury, *"Tractatus de Regia Potestate et Sacerdotali Dignitate,"* Bk. i., cc. 1, 2, *M. G. H., Libelli de Lite*, vol. ii, p. 468.

[13] Fitting, *"Juristische Schriften des früheren Mittelalters,"* Halle, 1876. p. 148; for date see *ibid*, p. 98. Cf. also Justinian, *Cod.*, ix, 8, 5, quoted in vi, 25, *infra*, where the senators are referred to by the Emperor as *"pars corporis nostri."*

A similar comparison, but far more elaborate, constitutes the framework on which a great part of the political theory of the Policraticus is hung.[14] The "commonwealth" is a body "endowed with life by the benefit of divine favor." The prince is its head, the priesthood its soul. "The place of the heart is filled by the Senate, from which proceeds the initiation of good works and ill. The duties of eyes, ears and tongue are claimed by judges and the governors of provinces. Officials and soldiers correspond to the hands. Those who always attend upon the prince are likened to the sides. Financial officers may be compared with the stomach and intestines. . . . The husbandmen correspond to the feet which always cleave to the soil." [15]

John claims that he has borrowed this elaborate scheme from a "libellus" of Plutarch entitled "Institutio Trajani." [16] No such work of Plutarch at present exists or is elsewhere referred to; and since John did not know Greek, opinion is divided between the view that his source was a Latin translation of a compilation of passages from Plutarch's writings and the view that it was a Latin original masquerading under the name of Plutarch.[17] At all events, its adoption into the Policraticus launches the "organic analogy" on a new and triumphant career through the remainder of the middle ages.

It seems clear from John's handling of the organic analogy that he had very firmly grasped the conception of the interdependence of individuals in society. He repeatedly returns to the saying that "all are members one of another." [18] "Then and then only will the health of the commonwealth be sound and flourishing . . . when each regards his own interest as best served by what he knows to be most advantageous for the others." [19] "So long as the duties of each individual are performed with an eye to the prosperity of the whole, so long, that is, as justice is

[14] i. e. Books v and vi. [15] Bk. v., c. 2, *infra*. [16] Ibid.
[17] Schaarschmidt, op. cit., pp. 123–124; Webb, vol. i., p. 280.
[18] Bk. iv., c. 1, *infra*. [19] Bk. vi., c. 20, *infra*.

practiced, the sweetness of honey pervades the allotted sphere of all." [20] "The function of duty is to bring different acts into harmony by allotting them to the different individuals to whom they are appropriate." [21] And elsewhere in a passage of truly poetic eloquence he expresses the harmony of a well-ordered society by musical analogies reminiscent of Plato.[22]

And not only does John grasp the functional interdependence of the members of society, he grasps also what is more remarkable for his age, the need for that basis of psychological unity, for that bond of common social feeling, which was to remain almost unemphasized in later political thought until Rousseau put forth his doctrine of a general will.[23] "There can be no faithful and firm cohesion," he says, "where there is not an enduring union of wills and as it were a cementing together of souls. If this is lacking it is in vain that the works of men are in harmony, since hollow pretence will develop into open injury unless the real spirit of helpfulness is present." [24] In at least two places John even uses what we are accustomed to regard as the characteristically modern term, "public opinion." [25]

There is, however, one great difference between John's conception of the functional and psychological unity of society and the modern conception. John's view was essentially Platonic. The relation between the parts of his organism was a fixed and static one. It was built upon, or at least was to be brought into conformity with, a pre-established design which he took for granted was eternal and immutable. He has no conception of any continuous process of reciprocal adaptation whereby the relations between the different elements in the body politic shall gradually alter. The plan is once and for all divinely given, and the perfect society is that wherein the members exactly fit them-

[20] Bk. vi., c. 22, *infra*. [21] Bk. v., c. 4, *infra*. [22] Bk. iv., c. 8, *infra*.
[23] See A. Lawrence Lowell, *"Public Opinion and Popular Government,"* pp. 7–9.
[24] Bk. v. c. 7, *infra*. [25] Bk. iv., c. 8; Bk. v., c. 12, *infra*.

selves into the respective niches which it marks out for them. And these niches are conceived almost as rigidly as those of Plato's Republic. The great body of the people, the husbandmen and craftsmen and artisans, are totally divorced from political functions. Their place is "to provide their superiors with service just as the superiors in their turn owe it to their inferiors to provide them with all things needful for their protection." [26] No channel is supplied whereby their collective views and wishes can be brought to bear on the conduct of government. The supreme directing power is concentrated in the hands of the prince,[27] who has all power that he may bear the entire responsibility to God. "Wherefore deservedly there is conferred on him and gathered together in his hands the power of all his subjects to the end that he may be sufficient unto himself in seeking and bringing about the advantage of each individually and of all." [28]

[26] Bk. vi., c. 22, *infra.*

[27] This Platonic conception became more fully developed in the later scholastic theology. The *lex aeterna* provided a distribution of functions among individuals according to a sublime plan wherein each had an allotted place. It should be the aim of human society to approximate as nearly as possible to this great design. The entire universe was conceived as "under a providential plan, governed by an eternal law which is nothing but the order of things, the sum of relations which result from the nature of beings. The rationale of governing others must therefore be in the final analysis a divine command according to which the rulers carry out those necessary functions which will enable the individual members to occupy their assigned places in the divine economy." De Wulf, *Philosophy and Civilization in the Middle Ages,* Princeton, 1922, p. 243, and passages from the Summa Theol. of St. Thomas there cited. The whole conception goes back to Augustine (see e. g., *"De Civ. Dei,"* xix, 13–14) who made the harmonious co-operation of members of society, each in his appointed place, the essential feature of that ideal of "pax" which was to be so powerful throughout the Middle Ages. Cf. Dante, *"De Monarchia,"* i, 15. Cf. also John of Salisbury's conception of "duty," *infra,* v, 4.

[28] Bk. iv., c. 1, *infra.*

It was therefore only in a passive and not in an active sense that John conceived of society as a psychological organism. It was not an organism wherein each element contributed of its own thought, feeling and aspirations to shape the combined direction of the whole. The psychological bond was the passive one of contentment, of willingness on the part of each individual to fulfill the duties of the station allotted to him in the eternal scheme of things. It was in the co-ordination of these different duties and their allotment to different individuals and classes according to the divine plan that the organic unity of society consisted. It was a functional organization, but the functions were those of automata which must move only in the direction dictated to them by the rational order of the universe. John might refuse to take his stand on the side of predestination when a clear-cut issue was presented on the question of free-will;[29] but when he turned to deal with other problems the tacit presuppositions of his age were too strong for him and he regarded the individual, not to be sure as subordinate to the state, but as a mere unit in that universal organization whose design was implicit in the eternal law.

A question is thus raised to which John gives no explicit answer—what "commonwealth" or society did he have in mind in his comparison of the "commonwealth" to an organic body? Was it a city, or a province, or a kingdom, or the Roman Empire, or the Universal Church? One of the chief difficulties which we meet throughout the Policraticus is that we can never be quite certain of what organization John is at any given moment speaking. He avoids any admission that the whole Christian world still constitutes a single state, the Roman Empire; and when he has occasion to speak of a contemporary emperor of the German line he cautiously refers to him as merely "King

[29] Policraticus, Bk. ii, c. 26, "liberum arbitrium manet cum providentia."

of the Romans." [30] In the same connection he remarks in passing that in some manner the "principate,"—i. e., the Empire—seems to have been "cut off at the root." [31] Accordingly, he generally appears to have in mind the "provincia" [32] as the political unit or "commonwealth" whose head, whether bearing the title of "rex" or "dux," is the "prince" of whom he is speaking. This term "provincia," suggested undoubtedly by the territorial correspondence of kingdoms like France and England to provinces of the older empire, is the designation which the later middle ages came regularly to apply to the kind of political organization which we should call a "nation-state." [33] But John seems to apply the term indifferently to a kingdom like England, which stood under no feudal overlord, and to a territory like Brittany [34] which was a vassal state.

Indeed, one of the striking features of John's political thought is the way in which he totally omits to consider the relationships between the different political powers, feudal, royal, imperial, which were at the moment so hotly contending with one another for a demarcation of their respective jurisdictions. The questions arising out of their competing claims are completely ignored, although these are precisely the first questions which a modern political scientist would have set about seeking to answer. John seems to have accepted the fact that all were "powers" of a temporal as distinguished from a spiritual character, and for

[30] Bk. iv., c. 6, *infra*. Strictly speaking, this title was technically correct, as Conrad was never actually crowned at Rome. But it was only from the time of Conrad's predecessor, Lothair, that the restriction of the imperial title to an emperor crowned at Rome commences. Even Lothair had in effect used the title before coronation. Waitz, *Deutsche Verfassungsgeschichte*, 2 ed., vi., pp. 106–7, p. 173.

[31] Ibid.

[32] Bk. vi., c. 1; Bk. vi., c. 24; *infra*.

[33] Bartolus treats the terms "provincia" and "regnum" as interchangeable and as applying to a political group all the members of which are not gathered together into a single city. *Comment on Const.* "Qui sint Rebelles," cited in Woolf, *Bartolus of Sassoferrato*, p. 124.

[34] Bk. IV., c. 18. *infra*.

his purposes that was sufficient. Indeed he makes no clear distinction between "political" power and the power of rulership over such a group as the family, or household, which from the modern standpoint is not political at all. He deals with the concept of "rulership" in the lump and undifferentiated. The rich man, the "dives," [35] ruling over a large household, falls within the scope of his treatment as much as and in quite the same way as the lord of a province, or a king, or even the emperor himself.

It may be supposed that to some extent this failure to draw what we to-day regard as necessary distinctions was a deliberate attempt to blink embarrassing questions. It was more than a century longer before men became bold enough to proclaim openly that the kings of the national "regna" were independent of the supremacy of the empire.[36] It took several centuries before the greater feudal princes in France were willing to abandon their claims to a practically complete independence of the crown.[37] John of Salisbury's own king, Henry II, aptly illustrates both attitudes. There is some evidence that at one time he did lip service to the Emperor [38] and at another dallied with the prospect of seizing the imperial crown for himself; [39] on the other hand he was almost continually at war with his feudal overlord, the King of France.[40] Amid such conditions

[35] Bk. v., c. 10; Bk. vi., c. 22, c. 27, *infra*.

[36] The earliest writers cited by Woolf as advancing the idea are Andreas de Isernia (1220–1316) and Durandus (1237–1296); see Woolf, *Bartolus of Sassoferrato*, p. 373.

[37] See Du Fresne de Beaucourt, *Histoire de Charles VII.*, tom. ii., pp. 605–606.

[38] Rahewin, *Gesta Friderici*, iii., c. 7, *M. G. H., SS.* xx., p. 419. See F. Hardegen, *"Imperialpolitik König Heinrichs II. von England"* (Heidelberg, 1905).

[39] G. B. Adams, *Political History of England, 1066–1216*, p. 306.

[40] But see *ibid.*, p. 268, for a remarkable instance where apparently "the feudal spirit of Henry could not reconcile itself to a direct attack on the person of his suzerain."

a more relentless logician than John might well have shrunk from the consequences of clean-cut analysis.

There is no reason, however, to suppose that the omission was deliberate. After many centuries men were just beginning to make an attempt to think with legal accuracy. If they were commencing to grip once more the meaning of the idea of organic political union which had never completely vanished from abstract thought, it is too much to expect that they should at once have faced some of the deepest difficulties in which it involved them. They were saved from these difficulties for the time being by two prevalent and deeply-grounded elements in their political thinking. The first of these was the persistence from their barbarian past and from their saturation in scriptural tradition of what may be called the patriarchal ideal, which admitted no distinction between the state and what we now designate as "society" on the one hand, or between the state and the family on the other.[41] The result was that just as to-day we are not especially disturbed over the existence of incoherent and even conflicting organizations within "society," so the thought of the twelfth century does not seem to have been for the moment interested in the existence of competing and conflicting governmental organizations. It took them largely for granted. Meanwhile the same attitude was promoted by the dominant mediaeval conception of law.

II. The Law

It is the idea of law which in the Policraticus as throughout the political thought of the middle ages really dictates the ap-

[41] See below, p. liii. Much of what is said by Professor Pott (*Chinese Political Philosophy*, pp. 65 ff.) concerning the Chinese attitude toward government applies to the Middle Ages. The difference is that the Middle Ages were continually working out of this attitude under the influence of actual institutional progress and of the progressive development of ideas inherited from classical antiquity.

proach to all the other problems of government, and affords the clew to the solution which is found for them. Indeed, one of the principal reasons for the representative significance of the Policraticus as a sample of mediaeval political thought is precisely the fulness and clarity with which it discloses the typical mediaeval conception of the relation between law and government.

It has become a historical commonplace that mediaeval thought was dominated by the conception of a body of law existing independently of the authority of any government and to which all positive law must conform and to which governments no less than individuals owed obedience.[42] Rulers were thought of as bound by a "higher law," which, in the vivid phrase of Mr. Justice Holmes, was a "brooding omnipresence in the sky," [43] and which accordingly made it possible to apply to their acts the criterion of legality or illegality. In the words of the Policraticus, "between a tyrant and the true prince there is this single or chief difference, that the latter obeys the law and rules the people by its dictates." [44] "A tyrant is one who oppresses the people by rulership based upon force while he who rules in accordance with the laws is a prince." [45] "There are certain precepts of the law which have a perpetual necessity, having the force of law among all nations. . . . And not only do I withdraw from the hands of rulers the power of dispensing with the law, but in my opinion those laws which carry a perpetual injunction are not subject at all to their pleasure." [46]

This conception of a "higher law" accounts not merely for the characteristic trend of mediaeval political theory, both in its

[42] "Medieval doctrine while it was truly medieval never surrendered the thought that Law . . . does not depend upon the State for its existence. To base the State upon some ground of Law . . . the medieval publicist felt himself absolutely bound." Gierke, *"Political Theories of the Middle Age,"* tr. Maitland, p. 74.

[43] Southern Pacific Co. v. Jensen, 244 U. S. Rep. (Sup. C't.) 205 at 222.

[44] Bk. iv., c. 1, *infra.* [45] Bk viii, c. 17, *infra.* [46] Bk. iv., c. 7, *infra.*

omissions and in the points which it selected for emphasis, but it also explains many aspects of mediaeval political organization and development which from the modern point of view are most difficult to understand.

For one thing, it rationalizes the coexistence side by side for so many centuries of a number of competing types of political organization, like the Church, the Empire, the national kingdoms and the practically independent feudal principalities, which must otherwise appear as a mere chaos of anarchy. In mediaeval theory their coexistence was not anarchic because all were conceived as alike agencies of, and existing under, the "higher law," which was supposed to allot to them their respective functions, and to regulate their relations. The conception is quite analogous to that of eighteenth-century international law which was thought of as a body of rules obligatory upon sovereign and independent states, although emanating from no human legislature and enforceable in no independent international court. So the higher law of the middle ages was enforceable only by the several powers which were conceived as being under its authority.

Just as such a conception permits the existence side by side of a number of independent systems of authority without any attempt to bring them into more organic connection than is supplied by the abstract "higher law" itself, so within each system it tends to postpone the perception of any need for organizing an effective machinery of government as we understand such organization. For, unlike international law, the "higher law" of the middle ages was thought of as binding directly upon individuals. Positive law must be simply a reproduction of it and therefore it supplied all the organization and regulation needful to bring human relations into order, including the relations between governmental officials.[47] It was at once international,

[47]Cf. St. Bernard's view that the functions of ecclesiastical officials, lower as well as higher, were derived from and prescribed by the

constitutional, and private law. All that was necessary for each individual, whether official or private person, was to learn and perform his duties under that law. "What is the official duty of a publican?" asks John of Salisbury: "This is his duty, to exact and receive no more than is appointed." [48] The directive and discretionary element in government is thus completely eliminated and attention is diverted from the problem of how best to organize and allocate governmental functions for the attainment of political ends to a more or less barren insistence upon the necessity of the strict personal performance of pre-established legal duties under the organization of society at the time existing.

The conception of a "higher law" had two other consequences which tended to retard the organization of effective government. On the one hand it opened the door wide to individual resistance to governmental power. If government as well as the individual was under a higher law it followed that governmental acts against the individual might well be illegal. In such a case it would be obviously unfair to conclude the individual by the illegal decision of the government in its own favor, and since there was no other agency to judge between them, they were in the same position toward one another as independent states under modern international law. In such a case the individual had therefore a legal right of judging for himself and insisting upon his own rights and duties under the law as against the government. Even the soldier, according to John of Salisbury, must resist the commands of his superior officer in cases where these transcend the "higher law." [49] The result of this conception was at once to promote the natural mediaeval proclivity toward private war which expressed itself in the practical work-

higher law and therefore could not be altered by the supreme authority of the Pope. The Pope could not lawfully "place the members in the body of Christ otherwise than He Himself arranged them." *"De Consideratione,"* iii, 4, § 17, tr. Lewis, p. 85.

[48] Bk. vi., c. 1, *infra.* [49] Bk. vi., c. 12, *infra.*

ings of feudalism [50] and on the other hand to give to such war that character of a struggle for legal rights which Stubbs has noted as one of the most characteristic features of mediaeval history.[51]

In the second place the mediaeval tendency to remit all questions to the decision of a "higher law" had a consequence which in exactly the opposite way from the tendency just noted worked toward the same end of retarding effective political organization. If on the one hand it promoted the resort to private resistance, on the other it produced a tendency toward political "quietism." This followed from the mediaeval identification of the "higher law" with the law of God. On this view, if government acted illegally it disobeyed God and God might very well be trusted to punish violations of His own law. If He did not do so, it must be because He had some hidden purpose of His own to further, perchance the punishment of an unfaithful people, by permitting them to be oppressed by the illegal acts of an unjust king. Under such circumstances men would be impiously presumptuous if they undertook to thwart God's purpose by taking their relief into their own hands and attempting to throw off the tyranny to which God wished them to be subjected for their sins. This view is very strong in John of Salisbury.[52] "If Kings hear and keep the word of God, they will fill out their days in prosperity and their years in glory; but if they hearken not, they shall pass by the sword or be consumed by their folly." [53] With God thus in continual attendance to enforce obedience to His law, subjects who act directly to rid

[50] Luchaire, *"Manuel des Institutions Françaises,"* pp. 213–230.

[51] *"Seventeen Lectures on the Study of Medieval and Modern History,"* pp. 208–223.

[52] "He that resisteth the power resisteth the ordinance of God," Rom. xiii, 2, quoted Bk iv, c. 1, Bk. vii, c. 21, *infra.* See also Bk. vi., c. 27, "Ego quidem non tantum bonis et modestis sed etiam discolis arbitror serviendum in omni humilitate et reverentia, fideliter tamen et in cultu potestatis Dei venerandum a quo est instituta." See also Bk. viii., c. 18.

[53] Bk. v., c. 6, *infra.*

themselves of tyranny are always in danger of interfering with the divine plan. This line of thought survived strongly into the post-Reformation period of monarchical absolutism and characterizes much of the French and Jacobite theory of the later seventeenth century.

The conception of a "higher law" rests at bottom upon a failure or refusal to distinguish between the kind of rule of conduct to which the name of law seems best fitted, and the raw materials for such a rule,—in other words between the rule which is actually applied and enforced by a governing authority from which there is no legal procedure of appeal to any earthly superior, and the mere body of principles or ideas of right and wrong which that authority can select from and combine for the purpose of announcing or applying such a rule. More briefly, it results from a failure or refusal to see a difference between what had better be called "positive law" on the one hand and "justice" on the other. The failure to draw this distinction has been laid by a distinguished authority at the door of classical philosophy.[54] Whether or not the charge is entirely justified as to Plato and Aristotle, it is certainly true of the Stoic tradition through which classical philosophy was transmitted to the middle ages, and especially of Cicero.[55]

To conceive of an identity between justice and the rules of positive law, requires that justice itself must be conceived as more than the raw-material for rules but as itself a body of rules, or as capable of being immediately translated into a body of rules. This was essentially the Stoic doctrine. Their derivation of justice from nature, and their conception of nature as a rational order, brought into the foreground that trend of thought which identified the "laws" of justice with what we should to-day call the laws of physical science. They were definite rules which could be "discovered" and formulated in the

[54] Voigt, *"Jus Naturale,"* vol. i., p. 208.
[55] See especially *"De Legibus,"* Bk. i., c. xvi.

same sense as the "laws" of heat and motion. This conception had a close affinity, and therefore entered into very powerful combination, with the Christian conception of the "law of God." The importance of the Christian element in the combination consisted in the fact that it was able to supply ready-made a body of such concrete and tangible rules, practically a code, in the shape of the Scriptures.[55a] Here was a corpus of "higher law" which consisted of rules as definite as those emanating from the legislative power of prince or emperor. A "higher law" became possible as never before because the law-making authority was placed in Heaven while its specific enactments remained definite and visible in the sight of men on earth.

It is interesting to note that John of Salisbury conceives the "higher law" to which princes are subject almost entirely in terms of scriptural commandments or prohibitions. He discusses in detail in two places in the Policraticus the injunctions which are binding upon rulers. The first passage sets forth the provisions of Deuteronomy, xvii, 14–20. Almost the whole of the Fourth Book of the Policraticus is simply a commentary on this passage as constituting the "law" which princes must obey. The second set of scriptural injunctions cited by John as especially binding on princes are drawn from Job, xxix, 7–25.[56] But there is no doubt that he conceived the whole Bible as having a similar obligatory force.

With the revival of the study of Justinian's law-books in the eleventh century the doctrine of a "higher" law received another

[55a] See Ernst Troeltsch, *"Die Sociallehren der Christlichen Kirchen,"* in *Gesammelte Schriften,* i, 157 ff.

[56] Both these passages had already been cited in the same connection by Jonas of Orleans (c. 828 A.D.), *"De Institutione Regia,"* c. 3, 4. (D'Achéry, *Spicilegium,* tom. I., pp. 324 ff.) The passage from Job is used as establishing the rule for princes by Hugh of Flavigny, *M. G. H., SS.,* tom. viii, p. 436, and thence copied by Hugh of Fleury, *"Tract. de Reg. Pot. et Sac. Dig.,* i., c. 6, *Libelli de Lite,* tom. ii, p. 473. The passage from Deuteronomy is used for the same purpose in the fifteenth century by Fortescue, *"De Laudibus Legum Angliae,"* c. i.

increment of strength in a peculiar way. It seems to have been conceived that if human enactments to be valid must simply reproduce the provisions of a higher law, therefore the provisions of this higher law could be discovered from the human enactments which had come to be looked upon as valid. In other words, men treasured the Roman law because they regarded it as faithfully reproducing the divine law and therefore as affording a means of knowing the latter.[57] This attitude pervades the Policraticus. John of Salisbury regards the provisions of the Corpus Juris as but "publications" and "expositions" of the divine law. Thus he says that Justinian and Leo "disclosed and proclaimed" the "sacred" laws and "took especial pains to the end that the most sacred laws which are binding upon the lives of all should be known by all."[58] And elsewhere, referring to the silencing of Vacarius in England, he casually speaks of the Roman law as "the law" itself.[59]

The identification of the "higher law" with the "law of God" as embodied in the scriptures, and the belief that its provisions were directly reproduced in existing texts of the Roman law, eliminated for thinkers of the twelfth century one of the cardinal difficulties which beset the doctrine of a "higher law" when it appears in the form of the supremacy of a "law of nature,"—the

[57] Cf. Maitland, *"Bracton's Note Book,"* vol. i., p. 9.

[58] Bk. iv., c. 6, *infra.*

[59] Bk. viii, c. 22, *infra;* so also Bk. vi., c. 26. To "civil law," as distinguished from "the law," John exhibits a decided and natural aversion. Thus, in one place (Bk. vii., c. 20, *infra*), he quotes with approval a comparison of "the civil laws" to a spider's web, "which catches flies and gnats, but lets birds and larger insects through; in the same manner the civil laws restrain the wills of people of the humbler sort, but give way at once to the more powerful." This hostility to "civil law" in general John concentrates upon custom in particular: "If you urge reason or authority, they will cast in your teeth 'custom,' which they abuse, or which they themselves have made" (Bk. vii., c. 19, *infra*). This attitude suggests the similar stand later made famous by John's friend, Thomas Becket. See Ramsay, *"The Angevin Empire,"* p. 43; G. B. Adams, *Political History of England, 1066–1216,* p. 281.

difficulty, namely, of identifying any specific rules or precepts as belonging to this law.[60] When a "higher law" must be spelled out from a vague body of principles of "natural justice" it is hard to conceal the fact that the agency which is charged with the process of selecting and translating these into enforceable rules has a discretionary power so wide as to amount practically to creative law-making. This was the difficulty which became more and more apparent to mediaeval thought from the thirteenth century onward. But it had not yet arisen for John of Salisbury. While he repeats the *cliché* that "nature is the best guide of life," and seems to take it for granted that the will of God and the precepts of rational nature are the same, his attention is directed wholly to the first member of the equation, and he is troubled by no difficulty of identifying the precepts of rational nature,—the "higher law" is itself given in the form of clean-cut scripture texts.

But even where the texts of a "higher law" are thus not to seek, but are concretely given, there remain the seeds of ultimate confusion in what the layman is apt to regard as the comparatively insignificant matter of the need for interpretation.[61] For a text needs to be interpreted; and interpretation is a mighty lever in the hands of whoever applies it. The person who has authority to say what a text means is in a position to say when it shall, and when it shall not, apply; and the established doctrine of the Roman jurists that a law was to be extended to all cases where the same reason applied and on the other hand was not to be enforced in cases falling outside its

[60] In one passage, Bk. iv, c. 7, where John is confronted by the necessity of specifying a precept of the "immutable law," he instances the so-called "golden rule." This is substantially the answer given by George Buchanan (c. 1570) as to the content of the "law of nature" (*De Jure Regni apud Scotos,* c. xi).

[61] In the sixteenth century Buchanan ascribed the growth of the whole Papal power to the fact that the Popes had made good their claim to the right to interpret the law. *Op. cit.,* cc. xxx–xxxii.

"spirit" [62] could be used to convert the power of interpretation into a practical power of legislation on the one hand and of dispensing with the law on the other. More and more during the twelfth century this power of interpretation came to be brought into play until Innocent III could claim for the popes that "secundum plentitudinem potestatis de jure possumus supra jus dispensare." [63]

The difficulties inherent in the problem of interpreting the higher law were already present to the mind of John of Salisbury, and to it is devoted some of the most subtle thinking in the Policraticus, even if the final result seems inconclusive and obscure. Previous thinkers had done their best to close their eyes to the difficulty. Cicero in a burst of Stoic grandeur had announced categorically that the higher law needed no interpretation—that it was one and the same in the minds of all rational beings.[64] Augustine says that there can be no two opinions about what the divine law commands or forbids,—that there can be no human judgments concerning it, and therefore no interpretation.[65] On the other hand, the practical inevitability of interpretation was bound to be present to the minds of lawyers and was expressly recognized in Gratian's Decretum.[66]

John of Salisbury seems to approach the problem of interpretation in different passages from two distinct points of view, the juristic and the metaphysical. From the juristic standpoint he recognizes that justice—*acquitas*—is in the final

[62] See Digest I., iii., 12–25.

[63] Innocent III., Decretal Greg., ix., Lib. iii. Tit. viii., *de concess. praebend.*, c. *proposuit*, ed. Friedberg, ii., p. 488.

[64] *"De Republica,"* iii, 22, preserved in Lactantius, Inst., vi., 8.

[65] *"De Vera Religione,"* c. 31 (Migne, *P. L.*, tom. 34, col. 147).

[66] *Decreti Secunda Pars*, causa xxv., Quest. I, Pars ii., c. 2, Gratianus: "Sacri canones ita aliquid constituunt ut suae interpretationis auctoritatem sanctae Romanae ecclesiae reservent, ipsi namque soli canones valeant interpretari qui jus condendi eos habent." (ed. Friedberg, i., p. 1011).

analysis not a body of rules, but a vaguer entity which is focused into rules for purposes of application. This he expresses by saying that "the law" is itself the interpreter of equity.[67] But he tacitly recognizes that the rule may in certain cases not adequately accomplish, or may even defeat, the justice which it is its place to further. In such a case there is needed an "interpreter" between law and justice. He then quotes the passage of Justinian's Code which states that the power of "interpreting between law and equity belongs solely to the prince as the author of the law," and goes on to argue from this that the law of which God is the author can be interpreted by no one save God Himself.[68] From the juristic standpoint John thus gives no clear answer to the question of where the power is located to interpret the divine laws. Some light, however, is shed on this question from the metaphysical standpoint in a passage where John is speaking of the wisdom of counsellors. "They fall into error," he says, "who think that everything is a matter for the arbitrary will and discretion of those who make decisions instead of being rather a matter of truth and science. But there is, as the ancient philosophers knew, a supreme guiding principle of things divine and human, namely Wisdom, and a science of things to be done and left undone." This wisdom is the result of the fear and love of God, and the man who has it will do the things that he ought to do and omit to do the things that he ought not to do. In others words, apparently, the "wise man" will have, so far as is humanly possible, the capacity to know and interpret the law of God.[69] Therefore the prince should surround himself with wise counsellors and learned priests.[70] John's view thus seems to be that the prince has no peculiar prerogative to interpret the "higher law," but that this right,

[67] Bk. iv., c. 2, *infra.*

[68] Bk. iii, c. 26. This passage does not fall within the translation below.

[69] Bk. v, c. 9, *infra.*

[70] Bk. iv., c. 6, *infra.*

so far as it can be humanly exercised, belongs to every individual who is qualified therefor by the gift of Divine wisdom.

What is substantially the same problem as that of interpretation is raised when John comes to discuss directly the prince's right to "dispense" with "the law." "Every censure imposed by law," he says, "is vain if it does not bear the stamp of the divine law. . . . Through the prince no jot or tittle of the law shall fall to earth because he shall make no exception in favor of his own hands or the hands of his subjects." However, John makes a concession to practical necessity and anticipates the thought of the later middle ages by distinguishing between two different kinds of divine precepts. "There are certain precepts of the law which have a perpetual necessity, having the force of law among all nations and which absolutely cannot be broken with impunity. . . .[71] Not only do I withdraw from the hands of rulers the power of dispensing with the law, but in my opinion those laws which carry a perpetual injunction or prohibition are not subject at all to their pleasure. In the case of those rules which are flexible, I admit a power of dispensing with verbal strictness, but only in such fashion that the purpose of the law shall be preserved in its integrity by a compensating concession made to propriety or public utility."[72] John nowhere gives examples of the laws which he regards as "flexible," but a distinction which he draws in another connection is pertinent to the point. Speaking of the duty of soldiers to obey their commanders, he says that they must refuse obedience to commands which violate the necessary precepts of God's law. But there are other things "which philosophers count as 'indifferent,'" as for instance whether or not to enter upon a campaign, or

[71] Bk. iv., c. 6, *infra*.

[72] Bk. iv, c. 7, *infra*. For a particularly bitter attack by John on the "dispensing power," where he recognizes that it practically amounts to converting will into law, or, in other words, to law-making sovereignty, see Bk. vii., c. 17, *infra*.

whether or not to conduct a foray or sortie; and these are left to the discretion of the commander.[73] The distinction between precepts as to things necessary and things indifferent is certainly not quite the same as that between flexible and inflexible precepts, but it points in the same direction. The effect of John's theory is to narrow almost to the vanishing point the power of the prince *qua* prince to dispense with the precepts of the divine texts just as it is to extend the legal power of interpreting these to all persons endowed with Divine Wisdom. An extreme illustration of this reluctance to allow the prince to interpret the law is his doctrine that where the law is doubtful the prince should dismiss a case without decision.[74]

One basic difficulty involved in the doctrine that the prince was subject to the higher law was solved by John in a way which anticipates the more famous later solution by Aquinas. This is the difficulty that there is no earthly power having jurisdiction to enforce the law against him—the same difficulty which presents itself in connection with the obligatory character of modern international law upon sovereign states. Aquinas met the difficulty by distinguishing between the *vis directiva* and the *vis coactiva* of law, and insisting that while the prince was not subject to the compulsive power he was subject to the directive power.[75] John of Salisbury had already expressed substantially the same distinction in a different form. He says that while the prince is not bound by the law in the sense that he will be subjected by any earthly authority to penalties for breaking it, he is subject to it in the sense that it is his duty to obey it without the threat of penalties;[76] he remains a prince only while his will is conformable to the law; and when he departs from its injunctions he becomes a tyrant.[77]

[73] Bk. vi., c. 12, *infra*.
[74] Bk. v., c. 12, *infra*.
[75] *Summa Thcol.*, I[a]., 2[ae]., q. xcvi., art v., ad 3.
[76] Bk., iv., c. 2, *infra*.
[77] Bk., viii., c. 17, *infra*.

III. The Prince and his Government

There is no comparison of the relative merits of different forms of government in the Policraticus. The conventional discussion of the respective claims of monarchy, aristocracy, and democracy, is an academic imitation of classical political theory which comes into mediaeval thought only with the recovery of Aristotle's "Politics" in the following century. Monarchy is the only form of government in which John is interested as a working reality, although he seems conscious that there may be other forms.[78]

There is one kind of government, however, which John in several passages sets up as an ideal in contrast to monarchy, to illustrate the short-comings of the latter. This is rule by judges, as it existed among the people of Israel in the time of Samuel and before the establishment of the Kingdom. John's preference for such a government is closely connected with, and serves to emphasize again, his conception of the supremacy of law. A king is not really needed by a people who follow the law and submit to its dictates—all that they require is a judge to administer it among them as Samuel did. The beginning of kingship marks a falling away from the purity of obedience to the law, and was a token of God's anger. "The earliest patriarchs," says John, "followed nature, the best guide of life. They were succeeded by leaders, beginning with Moses, who followed the law, and judges who ruled the people by the authority of the law; and we read that the latter were priests. At last, in the anger of God, they were given kings, some good, many bad. For Samuel had grown old, and when his sons did not walk in his ways, but followed after avarice and uncleanness, the people, who perchance deserved that such priests should be in authority over them, forced God, whom they had despised, to give them

[78] Bk. v., c. 1, *infra.*

a King."[79] "And yet a King was not truly needed, had not Israel after the likeness of the gentiles walked crookedly and showed themselves not content to have God for their King."[80] "And if iniquity and injustice, banishing charity, had not brought about tyranny . . . perhaps there would be no kingdoms at all, since it is clear from the ancient historians that in the beginning these were founded by iniquity as encroachments against God or were extorted from Him."[81]

These passages form an interesting link between important earlier and later theories. They reach back to the patristic doctrine that in the state of innocence there was no coercive government, and that it was sin which caused God to set men over one another, subjecting some to the authority of others. In the language of St. Augustine, the primitive just men were rather shepherds of their flocks than kings of men.[82] On the other hand the same passages reach forward to the important distinction taken by the author of the second book of the *De Regimine Principum* between "political" and "regal" rule. Political rule was that of the judges of Israel. This was suited to man in the uncontaminated state of human nature which was called the state of innocence; but in the state of sin, regal rule is more beneficial. "Therefore the rod of discipline, which all men fear, and the rigor of justice, are necessary in the governance of the world because thereby the people and the rude untutored multitude are the better ruled."[83] Whether St. Thomas wrote this passage or not, the distinction which it drew came to

[79] Bk., viii., c. 18, *infra*.

[80] Bk. iv., c. iii., *infra*.

[81] Bk. viii., c. 17., *infra*.

[82] *De Civ. Dei.*, xix., 15; Irenaeus, *adv. Haer.*, v. 24: Carlyle, "History of Mediaeval Political Theory," vol. i., pp. 126–129. St. Isidore held that temporal rulership would not be necessary if men would heed the preaching of God's law and did not require to be coerced. *Lib. Sent.*, III., 51, quoted in Jonas of Orleans, *De Inst. Reg.*, c. 3; in Hugh of Fleury, *Tract. de Reg. Pot., M. G. H., Libelli de Lite*, ii., p. 469.

[83] Thomas Aquinas, *De Reg. Prin.*, ii., 9.

be identified with a similar distinction which he based on Aristotle's Politics,[84] and formed the groundwork of Fortescue's famous distinction between the English and French monarchies.[85]

John of Salisbury, when contrasting monarchy with government by judges, represents the former as essentially despotic in character. "And so Saul was elected with the aforesaid right of a King, namely that he might take their sons and make them his charioteers, and take their daughters to bake his bread and cook his food, and take their fields and lands to distribute at his pleasure among his servants, and in short oppress the whole people beneath the yoke of slavery." [86] This conception of kingship [87] is out of line with the main trend of John's views on monarchy. It represents a direction of thought which, however congenial with his attitude toward law, is not the direction which he chose in the main to follow. On the other hand the theory of kingship which he developed in detail embraces at least two distinct elements which it is difficult to harmonize.

John insists in numerous passages that the king is the "representative" of the commonwealth.[88] He is "the minister of the common interest . . . and bears the public person." [89] He

[84] *Com. in Aristot. Pol.*, III., lect. 13, lect. 15. Grabmann holds that the commentary is the work of St. Thomas only as far as III., lect. 6, and that the later parts are by Petrus of Alvernia (M. Grabmann, *"Die echten Schriften des hl. Thomas,"* Munster, 1920, p. 206). Grabmann also holds that the *"De Regimine"* is genuine only as far as the middle of ii, 4. *Ibid.*, p. 151.

[85] "This Diversite is wel taught bi Seynt Thomas in hys boke wich he wrote, Ad Regem Cipri de Regimine Principum." Fortescue, *"Governance of England,"* ch. 1.

[86] Bk. viii., c. 18, *infra.*

[87] The identification of kingship and tyranny in connection with the theory of the origin of government, and the resulting inconsistency between this view and the attempt made elsewhere to draw a clear distinction between a king and a tyrant, reproduces itself in the continuation of St. Thomas's *"De Regimine Principum,"*—cf. ii., 9, and iii., 9.

[88] Bk. v., c. 2., *infra.* [89] Bk. iv, 2., *infra.*

must regard himself as only the servant of the people.[90] He is an "officer," and his acts are not his own, but those of the "universitas" or corporate community in whose place he stands.[91] This conception of kingship as representative or ministerial is in line with a current of opinion which was emphasized in twelfth century thought by the revived study of the Corpus Juris. A famous text based the authority of the emperor on a *lex regia* whereby the Roman people had transferred their power to him.[92] Therefore the Glossators explained the position of the emperor as that of a "representative" or "vicar" of the people. It happens that the earliest passages in the writings of the jurists which develop this view are probably later than the Policraticus or approximately contemporaneous with it;[93] but it was a view which was to become the orthodox legal doctrine of the next century,[94] and for that reason its early statement by John of Salisbury is all the more remarkable and significant.

It does not, however, represent John's dominant conception of the position of the monarch. He regards him for the most part not as the representative of the people, but as the "image of God on earth."[95] His ministry is conferred on him not by

[90] Bk. iv., c. 1., *infra.* [91] Bk. v., c. 4, *infra.*

[92] Dig., I., 4., 1; Inst. I., 2., 6.

[93] *Com. in Dig. Tit. "De Diversis Reg. Juris,"* att. to Bulgarus, reg. 176, ed. F. G. C. Beckhaus, Bonn, 1856, p. 112; Placentinus *Summa Institutionum*, 1., 2. Tourtoulon places the work of Placentinus after 1166, *Vie de Placentin*, pp. 120–121. It is impossible to date the Commentary accurately. If it was the work of Bulgarus as Savigny supposes (*"Geschichte des römischen Rechts im Mittelalter,"* Bd. iv., pp. 94 ff.), it might have been written before 1156 and probably before 1159 (*ibid.*, pp. 86–87).

[94] Aquinas, *Summa Theol.*, $1^{a}2^{ae}$, q. 90, art. 3; Baldus, *Com. on Code* Venice, 1586), Bk. 10, Rubr. 1, nr. 12, 13, 18; other citations in Maitland's Gierke, notes 210–217 incl.

[95] Cf. Hugh of Fleury, *Tract. de Reg. Pot.*, i, 3: "rex in regni sui corpore patris omnipotentis optinere videtur imaginem"; Suger, *Vita Ludovici, Oeuvres*, ed. Lecoy de la Marche, p. 72: "partum Dei cujus ad vivificandum portat rex imaginem." See Flach, *"Les Origines de l'Ancienne France,"* t. iii, pp. 236 ff.

the people but by God. "All power is from the Lord God; the power which the prince has is therefore from God, for the power of God is never lost nor severed from him, but He merely exercises it through a subordinate hand." [96] The power of the prince is "instituted by God for the punishment of evil-doers and for the reward of good men." [97] The prince "is placed at the apex of the commonwealth by the divine governance." [98] Kingship is an honor bestowed by God,[99] and a criminal attempt against the prince is an attempt against God himself.[100] He is subject only to God and to the priesthood, who represent God upon earth; [101] and he will be judged by God and held to account for his ministry." [102]

The later middle ages were troubled by the problem of reconciling the doctrine that on the one hand the ruler was the agent or representative of the people, and on the other hand that he held his power from God.[103] John does not seem to have felt the difficulty, perhaps because he had a solution for it. "The commonwealth," he says, "stands in the same relation to the prince as a ward to a guardian." [104] In other words, the prince is responsible *for* the commonwealth, but not *to* it; he represents it legally, but his responsibility runs to the legal authority to which he owes his appointment, namely to God. The same idea is differently expressed in another passage: "The prince is the Lord's servant, but he performs his service by faithfully serving his fellow-servants, namely his subjects." [105]

This solution evades the necessity of taking one side or the other upon an issue which was of immediate practical con-

[96] Bk. iv., c. 1., *infra.* [97] Ibid. [98] Bk. v., 6., *infra.*
[99] Bk. vi., c. 26., *infra.* [100] Bk. vi., c. 25., *infra.* [101] Bk. v., c. 2., *infra.*
[102] Bk. iv., c. 10; Bk. iv., c. 12; Bk. vi., c. 1., *infra.*

[103] For efforts to effect a reconciliation see Maitland's Gierke, notes 140 and 141.

[104] Bk. v., c. 7., *infra.* For the discharge of this trust, the king is responsible to his own judge in Heaven. Bk. v, c. 11; Bk. vi., c. 1, *infra.*

[105] Bk. iv., c. 7., *infra.*

sequence in the twelfth century,—the issue, namely, between elective and hereditary monarchy. In the Carolingian period the conventional formulae of public acts described the Frankish kings as "elected by the whole people." [106] During the feudal era the baronage had succeeded for a time in France [107] and permanently in Germany in making the election more than a mere formality.[108] In England, at least the form of election seems to have prevailed down to the time of Edward the First.[109] At the very era when the Policraticus was being written the French and English monarchs were finally succeeding in making the crown hereditary in their families through the practice of securing the election and coronation of the heir during the life-time of his predecessor.[110] "Philip Augustus was the first of his race who felt himself strong enough to dispense with the designation and coronation of his son during his own life-time. It had taken two centuries for the dynasty of Hugh Capet to attain this result." [111] During the whole period when the hereditary and elective principles were contending with one another, current theory sought to evade difficulties by accepting both at the same time and refusing to see any inconsistency between them. The typical formulae run to the effect that the king is "Rex jure hæreditario, . . . et mediante tam cleri quam populi unanimi consensu et favore; [112] or, as Ivo of Chartres explained,

[106] Flach, *Les Origines de l'Ancienne France*, t. iii., pp. 238, ff.

[107] See Luchaire, *Institutions Monarchiques*, t. i, pp. 61–86.

[108] Bryce, *Holy Roman Empire*, 7 ed., pp. 226 ff.

[109] Stubbs, *Constitutional Hist.*, ii., p. 107.

[110] Luchaire, *op. cit.*, t. i, p. 61, p. 69. Henry II of England had his eldest son, Henry, crowned twice: first in 1170 (G. B. Adams, *Political History of England, 1066–1216*, p. 293), and again with his wife in 1172 (*ibid.*, p. 303).

[111] Luchaire, *op. cit.*, p. 87.

[112] Rymer, *Foedera*, ed. Clarke and Holbrooke, vol. i., pt. 1, p. 75. Cf. the account of the succession of Richard I given by Ralph de Diceto: "Comes itaque Pictavorum Ricardus haereditario jure promovendus in regem post tam cleri quam populi solempnem et debitam

"Jure in regem est consecratus cui jure hæreditario regnum competebat et quem communis consensus episcoporum et procerum jampridem eligerat." [113]

In fact, this mixed theory of election and heredity was not so much the result of a mere failure to distinguish between the two as it was the outcome of a carefully devised argument which formed an important element in that ecclesiastical tradition of political thought which John of Salisbury represents. The full statement of this theory is perhaps the point at which the Policraticus sheds the most direct light on the institutional history of its era.

John starts from the position that "the kingly power is not born of flesh and blood, since in the bestowal thereof regard for ancestry ought not to prevail over merits and virtues." [114] Again he says that, while ordinarily public offices descend to the heirs of the holder, governance of the people does not so descend as a matter of right, but is bestowed upon one who has in him the spirit of God, and has a knowledge of the law.[115] The theory of absolute hereditary right is thus rejected. On the other hand, John is equally far from accepting an unrestricted freedom of election on the part of the commonwealth. In describing the "ordination" of a Hebrew king, and implying that it is a model to be followed in instituting rulers, he says, "Here is plainly no acclamation by the people, any more than a title founded upon ties of blood"; but the prince should be chosen in the presence of the people, "so that afterwards no man may

electionem involutus est triplici sacramento," etc. *Imagines Historiarum*, anno 1189, *Opera Historica*, Rolls Series, no. 68, vol. II., p. 68.

[113] *"Receuil des Historiens de France,"* tom. xv., p. 144. For the combination of hereditary and elective theory in the Empire, see Waitz, *Deutsche Verfassungsgeschichte*, (ed. 1896), vi, 163 ff. Cf. the account of the accession of Otto I. in the *Annales Quedlinburgenses, M. G. H. SS*, iii, 54: "Henricus rex obiit . . . cujus filius Otto . . . jure haereditario paternis eligitur succedere regnis."

[114] Bk. iv., c. 3, *infra*. [115] Bk. v., c. 6, *infra*.

have ground for retraction, and no least scruple of uncertainty may remain to cloud his title." [116] John is particularly opposed to the efforts of kings to ensure the succession of their heirs. "Why is it," he asks, "that the poor are crushed beneath wrongs and outrages, made lean with exactions, despoiled by manifold and often repeated rapine, why are the peoples bidden to clash together in arms and shake the world, to no end but that princes may be succeeded by their natural heirs?" [117] "To-day all are actuated by the single motive of making their children, no matter what the character of the latter may be, resplendent with riches and honors rather than with virtues. They even neglect and forget that the burden and responsibility of the common weal rest upon them." [118]

If thus neither election nor hereditary right affords a sufficient basis for the royal title, whence is it derived? John derives it directly from God, through election or inheritance or such other means as God in the given instance chooses to employ. "The prince is placed by the divine governance at the apex of the commonwealth, sometimes through the secret ministry of God's providence, sometimes by the decision of His priests, and again it is the votes of the whole people which concur to place the ruler in authority." [119] Having been so chosen, if he then proceeds to discharge his office faithfully and in accordance with divine law, a presumptive right arises in his children to succeed him. "The father is succeeded by the son if the latter imitates the father's justice. Parents will be succeeded by their children if these shall have faithfully followed them in obeying the commandments of the Lord. . . . Since there is nought which men more desire than to have their sons succeed in their possessions, therefore this promise is given to princes as the greatest incentive to the practice of justice. . . . It is the privilege of a prince to have his sons succeed him with-

[116] Bk. v., c. 6, *infra*.
[117] Bk. v., c. 7, *infra*.
[118] Bk. iv., c. 11, *infra*.
[119] Bk. v., c. 6, *infra*.

out any question and in continuance of the original grant from God unless their princely power is subverted as a result of iniquity." [120] "It is not right to pass over in favor of new men the blood of princes, who are entitled by the divine promise and the right of family to be succeeded by their own children, provided they have walked in the judgments of the Lord." [121]

What the theory amounts to, then, is this: that heredity establishes a presumptive or defeasible title which if abused either by the incumbent, his predecessor, or the claimant to the succession, is capable of being divested by human action pursued in execution of the judgment of God and by virtue of authority derived from Him. This was substantially the form in which a compromise between the hereditary and elective principles was maintained by church theory during the two centuries from the election of Hugh Capet to the end of the twelfth century. On the former occasion it was expressed by Adalbero of Rheims: "We are not ignorant that Charles of Lorraine has partisans who pretend that the throne belongs to him by right of birth. But if the question is stated in this way we shall reply that royal power is not acquired by hereditary right, and that he alone should be elevated to it who is designated not merely by his birth and family but also by the wisdom of his spirit and who finds his natural support in his faithfulness to religion, his chief strength in his greatness of soul." [122] What is substantially the same view is set forth in the much-disputed speech attributed to Archbishop Hubert of Canterbury on the occasion of the "election" of King John of England. "Let your discretion know," the Archbishop is made to say, "that no one has a right to succeed another in the kingship unless after the invocation of the Holy Spirit he is chosen by the unanimous approval of the *universitas* of the kingdom, having been previously

[120] Bk. iv., c. 11, *infra*. [121] Bk. v., c. 6, *infra*.
[122] Richer, Bk. iv., c. 11, ed. Waitz, pp. 132–3.

designated for the post because of his pre-eminence in good qualities, according to the example and likeness of Saul, whom God set over His people although he was not the son of a king nor even sprung from a royal stock; and of David likewise, the son of Semey, who succeeded him, the one because he was able and fit for the royal dignity, the other because of his holiness and humanity; thus showing that he who excels all in the kingdom in point of ability should be set over all in power and rulership. But if any of the family of the deceased king so excels others, his election must be consented to all the more readily and promptly." [123]

Read in the light of contemporary doctrine as developed in the Policraticus, there is no need to see in Hubert's speech the announcement of the principle of election in any modern sense, or to regard it as exceptional in the way that Stubbs seems to do.[124] It is merely the emergence of the conventional view upon an opportunity and from a source from which it might naturally be expected to emerge. We should make a serious mistake if we supposed that the elective element was conceived with anything like the sharpness of nineteenth, or the hereditary element with anything like the legitimist absolutism of eighteenth, century theory. Both were outlined with a hazy

[123] Matthew Paris, *Chron. Maj.*, Rolls Series, no. 57, vol. ii, pp. 454, 5. The inconsistency between the two elements of the conventional theory, heredity and election, was already breaking apart in the investiture controversy at the end of the eleventh century. The imperialists were driven to advance a theory of indefeasible hereditary right: see Petrus Crassus, *Defensio Henrici, M. G. H., Libelli de Lite*, i, 432 ff; *Liber de unitate ecclesiae conservanda*, ibid, ii, 173. On the other hand, for the papalists, Manegold of Lautenbach rested royal authority on delegation by the people: *Liber ad Gebehardum*, cc. xxx, xlvii, ibid., i, 308 ff. See A. Fliche, "Les Théories Germaniques de la Souveraineté," in *Revue Historique* (May–June, 1917), cxxv, 1 ff.

[124] Stubbs, *Const'l Hist.*, vol. i., p. 454. Election was only a channel through which God manifested his will. See M. Prou, preface to Hincmar, *"De Ordine Palatii,"* p. xxix, Bibl. de L'École des Hautes Etudes, fasc. 58.

informality, which was no doubt all the more congenial to church writers because of the opportunity which was thus left to the Church to intervene in doubtful cases and declare upon the highest authority the will of God.[125] But John cautiously refrains from saying that the power of decision always rests with the priesthood; it is true that they always have the power of deposition because they have the power of conferring royalty;[126] but it is only sometimes that God works through this power, and He frequently employs other agencies to elevate his chosen candidate to royal office.[127]

The conception of the king's title as derived from God goes hand in hand with the conception of his "office" as a religious one. "Every office existing under and concerned with the execution of the sacred laws is really a religious office."[128] A great part of the Policraticus is taken up with a discussion of the duties of the ruler conceived from this standpoint. The discussion is illuminating as disclosing absolutely no distinction between what we should class as public and private duties.[129] The king should be chaste and avoid avarice;[130] he should be learned in letters;[131] he should be humble;[132] he should banish from his realm actors and mimes, buffoons and harlots;[133] he should seek the welfare of others and not his own;[134] he should wholly forget the affections of flesh and blood and do only that

[125] See the very interesting "opinion" handed down by Innocent III when he undertook to decide the case of the disputed election of Philip of Swabia and Otto of Brunswick to the Empire (1201): Huillard-Bréholles, *"Historica diplomatica Friderici secundi,"* I. 70–76; also in Migne, *P. L.*, tom. 216, 1025 ff.

[126] Bk. iv., c. 3, *infra.* [127] Bk. v., c. 6, *infra.* [128] Bk. iv., c. 3, *infra.*

[129] Augustine, still living in the classical tradition, had recognized such a distinction. *Ad. Bon.*, Ep. 50., c. 5, § 19. This letter appears as no. 185 in Migne's edition. See *P. L.*, tom. 33, 801.

[130] Bk. iv., c. 5, *infra.*

[131] Bk. iv., c. 6, *infra.* Hugh of Fleury would have the king learn to read, "ut acuatur cotidie ejus ingenium lectione divinorum librorum." *"Tract. de Reg. Pot.,"* i., 6.

[132] Bk. iv., c. 7, *infra.* [133] Bk. iv., c. 4, *infra.* [134] Bk. iv., c. 8, *infra.*

which is demanded by the welfare and safety of his subjects; he should be both father and husband to them;[135] he should correct their errors with the proper remedies;[136] he should be affable of speech and generous in conferring benefits; he should temper justice with mercy;[137] he should punish the wrongs and injuries of all, and all crimes, with even-handed equity;[138] he has duties to the very wise and the very foolish, to little children and to the aged;[139] his shield is a shield for the protection of the weak, and should ward off the darts of the wicked from the innocent;[140] he must act on the counsel of wise men;[141] he must protect the widow and the orphan;[142] he must curb the malice of officials and provide for them out of the public funds to the end that all occasion for extortion may be removed;[143] he must restrain the soldiery from outrage;[144] he should be learned in law and in military science;[145] he must in all things provide for the welfare of the lower classes;[146] he must avoid levity;[147] he is charged with the disposal of the means of the public welfare,[148] and is the dispenser of honor;[149] he must not close his ear to the cries of the poor;[150] he must raise aloft the roof-tree of the Church and extend abroad the worship of religion;[151] he must protect the Church against sacrilege and rapine;[152] and finally, he must ever strive so to rule that in the whole community over which he presides none shall be sorrowful.[153]

This patriarchal-ecclesiastical conception of monarchy and government forms part of a tradition which had become dominant sometime before the reign of Justinian and was destined to govern western thought almost until the end of the sixteenth

[135] Bk. iv., c. 3, *infra.* [136] Bk. iv., c. 8, *infra.* [137] Ibid.
[138] Bk. iv., c. 2, *infra.* [139] Bk. iv., c. 3, *infra.* [140] Bk. iv., c. 2 infra.
[141] Bk. v., c. 6, *infra.* [142] Ibid. [143] Bk. v., c. 10, *infra.*
[144] Bk. vi., c. 1, infra. [145] Bk. vi., c. 2, *infra.*
[146] Bk. vi., c. 20, c. 25, *infra.* [147] Bk. vi., c. 23, *infra.*
[148] Bk. vi., c. 24, *infra.* [149] Bk. vi., c. 26, infra.
[150] Bk. vi., c. 27, *infra.* [151] Bk. vi., c. 2, *infra.*
[153] Bk. vi., c. 6, *infra.* [152] Bk. vi., c. 13, *infra.*

century.[154] It emerges with especial emphasis in the Carolingian period,[155] and writes itself into coronation oaths and official documents. Thus Otto the First, when crowned King of the Franks, swore that he would "drive out all the enemies of Christ by the divine authority committed to him, and would stretch out the hand of pity to the ministers of God and to all widows and orphans, and never be wanting in the oil of mercy."[156] Barbarossa seems to have sworn to defend the Church and the clergy of God, to keep peace and order, and to protect the widows and the fatherless and all his people, "that those who obeyed and trusted him might rejoice, and that he might win glory in the sight of men and eternal life with the King of Kings."[157] Bishop Adalbero at the election of Hugh Capet told the assembly, "you shall have him for a father; for who of you when in trouble shall not be able to take refuge with him and find in him a patron and protector?"[158] It is interesting to note that in two treatises on royalty written during the Carolingian period,[159] there is quoted the same passage from a work certainly not earlier than the fifth century,[160] in which this

[154] See Sir Thomas More, *"Utopia,"* Everyman's ed., pp. 39–40, for substantially the same conception of kingship as that of John of Salisbury; so also Bodin, *"Six Livres de la République,"* Bk. ii., c. iii; George Buchanan, *"De Jure Regni apud Scotos,"* cc. xxxviii., xxxix, also Epigram ii., 27. See P. Hume Brown, *"George Buchanan, Humanist and Reformer,"* p. 254.

[155] Seeliger, in *Cambridge Mediaeval History*, vol. ii, p. 656.

[156] Widukind, ii., c. 1, ed. Waitz, *M. G. H. SS.*, iii, p. 438.

[157] Jaffé, *Bibliotheca Rerum Germanicarum*, vol. I. p. 513. Wibaldi epp., no. 382.

[158] Richer, *Chron.*, ed. Waitz, p. 133.

[159] Jonas of Orleans, *De Inst. Reg.*, c. 3; Hincmar of Rheims, *De regis persona et regio ministerio*, c. 2, Migne, *P. L.*, tom. 125, 833 ff.

[160] The passage is from a work entitled *"De Duodicum Abusionibus Sacculi,"* (c. 9), wrongly attributed by mediaeval writers to St. Cyprian, and printed among his works (Migne, *P. L.*, tom. 4, col. 870 at col. 877 ff.). A scholarly edition of this work under the earlier title *"De Duodecim Abusivis Sacculi"* has been published by S. Hellmann (*Texte und Untersuchungen zur Geschichte der altchristlichen Literatur*, ed.

ecclesiastical-patriarchal conception of royalty is very fully developed; and the passage as an obviously important source of much of the later theory deserves comparison with the statement of the ruler's duties in the Policraticus: "The justice of a King is this: not to use his power to oppress any one; to judge between a man and his neighbor without respect of persons; to be the defender of pilgrims and orphans and widows; to prevent thefts: to punish adultery; not to exalt the wicked to power; not to nourish unchaste persons and actors; to destroy the wicked from the face of the earth; not to permit parricides and perjurers to live; to defend churches; to sustain the poor by alms; to place righteous men in charge of the business of the realm; to have old men and wise men and sober men for his counsellors; not to give ear to the superstitions of magicians, soothsayers and pythonesses; to put away anger; to defend the land bravely and righteously against foes; to trust to God in all things; to hold the Catholic faith in God; not to permit his sons to act wickedly; to attend to prayers at regular hours; not to take food before the appointed hours." [161] This passage practically sums

Harnack and Schmidt, vol. 34, Leipzig, 1910). Hellmann points out the extensive influence of the work upon Carolingian and later political literature, and ascribes its origin to southwestern Ireland between 630 and 700. See also Bury, *"Life of St. Patrick,"* p. 205.

[161] This passage is adopted by Abbo of Fleury (c. 990) as expressing his view of monarchy. *"Receuil des Histor. de France,"* t. x., p. 627. The way in which it reached him is interesting. He attributes it to the Sixth Council of Paris, canons, ii., c. 1. The second book of canons of this Council incorporates practically in its entirety the treatise of Jonas of Orleans above referred to, including of course Jonas's quotation from the *"De Abusionibus"* (Mansi, xiv, 574 ff.). Prou thinks that the treatise of Jonas is a mere copy from the canons rather than that the canons are taken from the treatise, preface to Hincmar's *"De Ordine Palatii,"* ed. Prou, Bibl. de L'École des Hautes Études fasc. 58, p. xxv. The same conclusion was reached earlier by B. Simson, *"Jahrbücher des Frankischen Reichs unter Ludwig den Frommen,"* i, 381 ff.

up all that John of Salisbury has to say on the duties of the prince. He has nothing to add to it.[162]

The patriarchal-ecclesiastical conception of monarchy thus looked upon the relations between the monarch and his subjects as purely personal. Its ideal was Job sitting in the gate and rendering judgment in favor of the widow and the poor man,[163] an ideal which was actually realized in St. Louis's well-known practice of doing justice under the oak at Vincennes.[164] It ignored altogether the question of the organization of an ad-

[162] For a similar conception of monarchy in Justinian's Novels, see Bussell, *"The Roman Empire,"* vol. ii., pp. 50 ff. The duties of a king are set forth as follows by Hugh of Flavigny (c. 1100): "The duty of a king is to rule the people of God in justice and equity; to be the defender of churches, the protector of widows and orphans, to deliver the poor man from the mighty and the needy man whom there is none to aid; and like blessed Job to break the jaws of the unjust man and bear away his prey from his teeth; to be the father of the poor, an eye to the blind and a foot to the lame" (*M. G. H., SS.*, viii, p. 436). The passage is copied by Hugh of Fleury, *"Tract. de Reg. Pot."* i., 6 (*Libelli de Lite*, ii., p. 473). For a collection of passages from contemporaneous writers setting forth the same view see Waitz, *"Deutsche Verfassungsgeschichte"* (ed. 1896), vi, 469 ff. A familiar type of treatise consisted of a list of the virtues proper to a king, and a moral discourse on each. Such is the *"Via Regia"* of Abbot Smaragdus, a Carolingian writer (Migne, *P. L.*, tom. cii, col. 931 ff.), and the first book of the *"De Principis Instructione"* of Giraldus Cambrensis at the end of the twelfth century (*Opera*, Rolls Series, no. 21, vol. viii.). Cf. also Sedulius Scotus, *"Liber de Rectoribus Christianis,"* Migne. P. L., tom. ciii, col. 291.

[163] Bk. v., c. 6, 8, *infra.*

[164] De Joinville, *"Histoire de Saint Louis,"* ed. Natalis de Wailly, p. 35. It is to be observed that John conceives of the king's public functions as falling into two departments, military and judicial. See Bk. vi, c. 2, *infra.* The King's non-military duties consist in *knowing* and *applying* the law, not in *making* it. John nowhere suggests the existence of an earthly *legislative* power vested in the king or elsewhere. Law-making was still viewed as a part of the judicial process,—a more or less surreptitious incident of *"jus dicere."* See J. Pétrau-Gay, *"La Notion de* 'Lex' *dans la Coutume Salienne,"* Grenoble, 1920, p. 28. For other examples of the "judicial" conception of the kingly office, see Jonas of Orleans, *"De Institut. Reg.,"* c. 4; Hincmar, *"De regis persona,* etc.," c. 16.

ministrative mechanism for establishing an impersonal contact between government and the individual. There is no hint of this problem in the Policraticus. From the theoretical standpoint it thus omitted some of the most important problems of the science of government. From the practical standpoint it was at once the cause and the reflection of the condition of affairs which resulted in the administrative disintegration that we know as feudalism. The relation of the prince to his subjects being conceived as not essentially different from their relation to one another, there follows naturally the distintegration of public law into private law which characterizes the middle ages. The relation of the subjects to one another being conceived as not different from their relations to the prince, there resulted the establishment by the more powerful subjects of what practically amounted to princely power over their lesser neighbors. The same tendency was furthered by the conception of princely power as paternal; every lord of a large household was necessarily regarded by John of Salisbury [165] as in some sort a prince. The patriarchal conception of authority thus worked toward the same result as the conception of a pre-established higher law.[166] Furthermore, the existence of only a personal as distinguished from an institutional bond between the prince and his subordinate officials [167] operated on the one hand to make efficient supervision of the administrative system impossible, and on the other hand to place their relations on a footing of private law which lent a color of legality to claims of feudal in-

[165] Bk. vi., c. 22, c. 27, *infra.*

[166] "The mediaeval view of government admitted and indeed required that wealth and social influence should be accompanied by political power. . . . Every householder had some jurisdiction under his roof-gutter and within the hedge. Personal authority over domestic servants and slaves took among other things the shape of criminal and police jurisdiction." Vinogradoff, in *Cambridge Mediaeval History,* vol. ii., p. 651.

[167] *Supra,* p. xxviii

dependence. Feudalism was thus bred in part from the very ideas of personal absolutism which superficially seem most strongly opposed to it. Its persistence was to some degree due to the fact that its presuppositions were accepted by its opponents.[168]

The absence of any sense of the need for organizing on an institutional basis the relations between the prince and his subordinates no doubt accounts for the scandalous venality of the bureaucracy which so much of the Policraticus is devoted to castigating.[169] It is a result which always follows from such a cause; it did so in the Byzantine Empire[170] and in the Renaissance monarchies of the sixteenth century.[171] The restraining influence of purely personal supervision is entirely inadequate to control a large body of officials functioning over a wide territorial area; an institutionalized system of responsibility can alone develop the tradition and enforce the practice of honest efficiency. It has been well said that when more power is conferred upon the people than they are able to exercise, effective control is really taken from them,[172] and similarly when more power is left in the hands of the prince than he can humanly exercise, effective power passes really to an irresponsible bureaucracy.

There is much food for modern thought in John of Salisbury's attempt to correct the abuses of governmental power by strenuously preaching the virtues of personal morality. It was

[168] When the French kings by the middle of the fourteenth century had succeeded in getting possession of the greater feudal principalities which they had been striving to control for more than two centuries, they could think of nothing better to do with them than to parcel them out as "appanages" among younger members of the royal family in whose hands they became the basis of a new feudalism. See Lodge, *"The Close of the Middle Ages,"* p. 46.

[169] Bk. v., cc. 10, 11, 15, 16; Bk. vi., c. 1, *infra.*

[170] Bussell, *"The Roman Empire,"* vol. ii., p. 53 ff,; 93 ff.

[171] L. Einstein, *"Tudor Ideals,"* pp. 56–62.

[172] Henry Jones Ford, *"Rise and Growth of American Politics,"* p. 209.

the only method that he knew. It is the method which still appeals most strongly to the average human beings who have in their hands the destinies of modern democracies. But the teaching of all political history proves that it is a futile method. Men's qualities and standards are determined largely by their opportunities and temptations. John himself saw this,[173] but it led him to no more fruitful conclusion than a lapse into the Stoic recommendation, so inconsistent with all the rest of his teaching, that a man who wished to preserve his virtue should have nothing to do with public affairs. "Who desires to be good, let him quit the court." [174] If this is the inevitable conclusion, political philosophy is a vain and unprofitable study.

John is innocent of any idea of correcting the abuses of administration by an institutional organization of public functions under the prince. Everything rests in his personal judgment. Everything is "guided solely by the determinations of his own mind." [175] And this absolutism is tinctured with elements which enable us to see the patriarchal origins of the feudal point of view. The prince is in a sense the owner of all the goods of his subjects. Private law is again called into play and the subjects are conceived as mere tenants by *superficies;* and "when the advantage of the ruling power so requires, they are not so much owners of their possessions as mere custodians. But if there is no pressure of necessity, then the goods of the provincials are their own and not even the prince himself may lawfully abuse them." [176] On the other hand "the prince will not regard as his own the wealth of which he has the custody for the account of others, nor will he treat as private the property of the fisc, which is acknowledged to be public. Nor is this any ground for wonder, since he is not even his own man, but belongs wholly to his subjects." [177] This is a view which can

[173] Bk. v., c. 10, *infra.* [174] Bk. v., c. 6, *infra.*
[175] Ibid. [176] Bk. vi., c. 1, *infra.* [177] Bk. iv., c. 5, *infra.*

easily degenerate into the claim of the overlord to ownership of all the goods of his vassals;[178] while in its essence it seems to approach quite nearly to the modern conception of trusteeship. The king can take and use the goods of his subjects when necessary for the common advantage; and he is accountable not to their judgment but only to the "higher law." Implicit belief in the certainty of this law and its enforcement serves to conceal the danger of entrusting such power to an individual. On the other hand, a power of "eminent domain" had obviously to be vested somewhere; and John and his contemporaries were incapable of conceiving it as vested in the state itself because they could not yet conceive of the *universitas* as acting except through the prince, or as having a *persona* of its own apart from the *persona* of the prince. In other words, they had to think in terms of trusts and not of corporations; and they could do so without difficulty because they had the higher law to fall back upon.

IV. The Church

John of Salisbury's conception of the Church is a corollary of his view that the "higher" law is the law of God; and that "every office existing under and concerned with the execution of the sacred laws is really a religious office."[179] Therefore both the organization of the state and the ecclesiastical organization are agencies for the administration and execution of the same body of divine rules and precepts. The sacerdotal power is a part of the same "body" or commonwealth as the princely or temporal power.[180] So far, this is but the traditional Gelasian doctrine,[181] which had gained general currency at the

[178] See More, *"Utopia,"* Everyman's ed., p. 38.
[179] Bk. iv., c. 3, *infra.* [180] Bk. v., c. 2, *infra.*
[181] Gelasius I., *Ep.* viii., ad Anastasium Imp., Migne, *P. L.,* tom. lix, col. 41; Carlyle, *History of Mediaeval Political Theory,* i, 190.

hands of Carolingian writers. But even the Carolingian writers had gone farther and maintained that while emperors might be "judged" by priests, priests could not be judged by emperors.[182] It is interesting to note that one of these writers, Jonas of Orleans, cities the emperor Constantine as authority for this proposition;[183] while John of Salisbury in further developing it relies upon stories of the acts and words of Constantine at the Council of Nicaea.[184] The priestly power cannot be judged by the temporal power because the functions of the latter are of inferior dignity, consisting essentially in physical coercion and "being typified in the person of the hangman." The wielder of temporal power "is therefore, as it were, the minister of the priestly power for the purpose of enforcing the divine law by physical sanctions, and receives his sword from the Church." In the organic analogy the priesthood holds the place of the soul in the body as the prince holds that of the head; and hence the prince is subject "to those who exercise God's office and represent Him on earth, even as in the human body the head is quickened and governed by the soul."[185] God regards the honor or dishonor of those who "administer the divine laws, i. e. the priesthood, as His own, saying 'Who hears you, hears me.'"[186] Accordingly Constantine had declared that "it was not permissible for him, as a man, and one who was subject to the judgment of priests, to examine cases touching Gods, who cannot be judged save by God alone."[187] Furthermore, since God sometimes uses the priesthood as the means of conferring kingship,[188] they have the power to take away that which they have the power to bestow; and John cites the example of the transfer of the Hebrew crown from Saul to David by Samuel.[189]

[182] Jonas of Orleans, *De Inst. Reg.*, c. 2.
[183] Ibid.
[184] Bk. v., c. 2, *infra.*
[185] Bk. v., c. 2., *infra.*
[186] Bk. v., c. 5, *infra.*
[187] Bk. iv., c. 3, *infra.*
[188] Bk. v., c. 6, *infra.*
[189] Bk. iv., c. 3, *infra.*

With the question of the organization of the priestly hierarchy John does not deal directly; his views must be pieced together from statements made in other connections. He was of the school and generation of Bernard of Clairvaux, who had made it their ideal to exalt the papal primacy. Accordingly he says that the "Roman Church"—i. e. the Apostolic See,—is the "mother and head of all the churches." [190] "Whoever dissents from the teaching of the Roman Church is either a heretic or a schismatic." [191] "The Roman Church by the high authority of God is the parent and nursing mother of faith and life, and, fortified by the privilege of Heaven, can neither be judged nor blamed of men." [192] "Judgment upon the supreme pontiff is reserved for God alone." [193]

On the other hand he makes it clear that he does not approve of the direct centralization of church administration at Rome by the grant of exemptions and immunities from the jurisdiction of the local bishops and other church authorities.[194] "I do not presume," he says, "to criticize the generosity of the Apostolic See, but I do think that these indulgences which it grants are not to the advantage of the Church of God . . . I say that men who seek exemptions of this character would cast off the yoke of Christ and his Father if they could; nay even, I say more, they do cast off His yoke, so far as in them lies, and falsely contradict the divine ordinances." [195] Others, to shield their malice from correction, "get themselves altogether exempted from the jurisdiction of the churches and cause themselves to be received as special children of the Roman Church, with the result that while they may sue in any court, they cannot be sued save at Rome or Jerusalem." [196] John

[190] Bk. vi., c. 24, *infra*.
[191] Bk. vi., c. 24, *infra*.
[192] Bk. viii., c. 17, *infra*.
[193] Bk. viii., c. 23, *infra*.
[194] For the same view see St. Bernard, *"De Consideratione,"* iii., 4, § 17, tr. Lewis, p. 89.
[195] Bk. viii., c. 19, *infra*.
[196] Bk. vii., c. 21, *infra*.

protests repeatedly that he has no intention of criticizing or resisting the Apostolic See;[197] but he expresses disapproval of some of its acts and a belief that they were due to improper pressure brought to bear upon it.[198]

The impression left by John's whole discussion of the organization and state of the Church is that it is hesitating and ambiguous. He says at one point that the Supreme Pontiff is above the law; and while this might seem to admit a complete dispensing power in the Pope, he hastens to add that one who is in such a position "is all the more strictly obliged not to commit unlawful acts."[199] Elsewhere he criticizes the Pope for granting a privilege which was contrary to the canons,—i. e. for an exercise of the dispensing power,[200]—and thus seems to imply that the Pope like other magistrates is after all under the "higher law" which the canons reproduce. John conceives of the Pope no more than the Prince as "sovereign" in the modern sense.

John is similarly ambiguous in dealing with the thorny, and in his day extremely practical, question of disputed papal elections. He deplores that the papal throne has too often been the prize contended for by ambitious men who "tear the Church asunder and profane the sanctuary, shake the nations, harry kingdoms, to procure but a wider license and larger immunity for themselves, to heap up money, to favor, aggrandize, and corrupt flesh and blood, to ennoble their families, to lord it over their flocks rather than to be an example unto them. Such men are more rightly to be numbered among tyrants than among princes."[201] He makes, perhaps only half in earnest, the naïve suggestion that the world should stand aside and let such contenders fight out their quarrel; after which the defeated party should be drowned in the Tiber and the victor

[197] Bk. vii., c. 21; Bk. viii., c. 17, *infra*.
[198] Bk. vii., c. 21; Bk. viii., c. 23, *infra*.
[199] Bk. viii., c. 23, *infra*.
[200] Bk. vii., c. 21, *infra*.
[201] Bk. viii., c. 23, *infra*.

condemned to penal servitude in the mines or quarries.[202] But one who has been canonically elected must be held for pope, whoever he be.[203] The question of what election is canonical is not discussed, being apparently remitted to the higher law, which can only mean to the judgment of the individual.[204]

Most of John of Salisbury's discussion of church affairs occurs in connection with his bitter invectives against abuses, of which he emphasizes chiefly the advancement of improper persons to church preferment, and the resulting corruption in the exercise of ecclesiastical authority.[205] Following the traditions of the reforming party in the Church during the preceding century, he traces the root of the evil to the influence of the secular authority in ecclesiastical appointments;[206] but even papal legates "at times rage through the provinces in such bacchanalian frenzy as if Satan himself had come forth from the presence of the Lord to scourge the Church";[207] and it was contrary to all custom and experience for a legate to return poor after discharging an embassy.[208] One of the most vivid chapters of the Policraticus is that in which John recounts a conversation with his friend, Pope Adrian IV, in which he frankly disclosed to the pontiff his opinion of the shortcomings of the Roman See. He thought that many, if not most, of

[202] Bk. viii., c. 23, *infra*. [203] Ibid.

[204] John of Salisbury in later life took an active part in the Third Lateran Council of 1178 which promulgated the decree *"Licet de Evitanda"* regulating the rules of Papal elections.

[205] "For the most part such men have been promoted by the court to the offices of the Church against the unanimous wishes of the faithful." Bk. v., c. 16, *infra*.

[206] Ibid. [207] Ibid.

[208] Bk. v., c. 15, *infra*. Note also the ironical tone in Bk. viii., c. 17, where John, after saying that he will not criticize the Roman See, proceeds to recount the outrages of legates and ends by saying that these things cannot be, because they are unthinkable. Says St. Bernard: "To think of a legate returning from a land of gold without gold! Does it not sound like news from another world?" *De Consideratione*, iv, 5, § 13, tr. Lewis, p. 112.

the Roman officials were pure and honest, but "the contamination of the dishonest few brings infamy upon the Church universal; and in my opinion the reason why they die so fast is to prevent their corrupting the entire Church . . . Father, you are wandering in the trackless wilderness, and have strayed from the true way." [209] And in almost the last chapter of the Policraticus, John sets forth the practically impossible position of the Pope, who in order to maintain himself on his throne must make compromises and yield to influences which taint him with the very sins and vices which it should be his chief duty to combat and destroy. "If he follows these practices, must he not condemn himself with his own voice?" [210]

It is hard to resist the impression in analyzing John's discussion of the Church that we are witnessing the crumbling of an ideal. The reformers of the eleventh century had seen no other way of purifying the Church and restoring its moral and spiritual influence than by setting it wholly free from temporal control and erecting it upon a pinnacle of supremacy under a world-wide authority of its own, embodied in the Papacy. It remained for their successors in the twelfth century to witness the subtle corrosion of the church organization itself by the same influences which they had been taught to regard as wholly due to secular causes. The result is a vague feeling on the part of both St. Bernard and John of Salisbury that something is wrong; and it is perhaps in consequence of this feeling that John's discussion of the Church is on the whole so unsatisfactory, and marred by so many inconsistencies. Two things, however, stand out from it with sufficient clearness: he held firmly to a theory of papal supremacy, however uncertain he may have been as to just what was meant by that supremacy; and he held with equal firmness to the notion that the church organization, like the organization of temporal government,

[209] Bk. vi., c. 24, *infra*.

[210] Bk. viii., c. 23, *infra*.

was but an instrumentality for applying a "higher" law which marked out the duties of church authorities no less than of laymen. Following centuries were to witness the gradual divergence of these conceptions.[211]

John's treatment of the relation of the Church to the temporal ruler is marked by similar ambiguities.[212] He is explicit enough in his positive assertions that the prince is subject to the priesthood and is but the minister of priests. This might be expected to lead logically to the conclusion that the prince must submit to the supreme adjudication of the priesthood all questions requiring an interpretation of the divine law. But John nowhere institutionalizes to this extent the priestly supremacy. Responsibility for bringing human law into accord with equity rests upon the Prince himself. Where the Church has al-

[211] Robert Grosseteste in the middle of the 13th century displays far more clearly than John of Salisbury the conflict between an implicit acceptance of Papal Supremacy and a sense of intolerable evils and corruption within the Church. See A. L. Smith, *"Church and State in the Middle Ages,"* Lecture III.

[212] See especially Bk. iv., c. 3; Bk. iv., c. 6, *infra.* A clear statement of the ambiguities of John's view of the relation of Church and state is that of Ernst Schubert, *"Die Staatslehre Johann's von Salisbury."* Inaug. Diss. (Erlangen), Berlin, 1897, "If we take certain of John's general expressions as to the relation of Church and state, the view which results of the basis of the relation is the extreme hierarchical one . . . John thus seems to be the first who theoretically put forward the complete absorption of the state in the Church; his theory of the two swords could not be more destructive of the state. But if we examine his theories more closely on precisely this point, we must agree that on several very critical points, as for example, the choice of the prince by the priests, the right of the Church to depose the ruler, the manner and way in which the Church communicates its commands to the prince and imposes them upon him, he simply evades them silently. This shows that he did not have in mind a complete subjection and absorption of the state in practice, as his theories seem to indicate, but rather regards the prince and the state as servants of the Church and of the priesthood only in an ideal sense, that is to say, only when the priests are really such as they ought to be." (*Op. cit.*, p. 36). I am the more inclined to agree with Dr. Schubert as I had reached the same conclusion before I saw his monograph.

ready acted and laid down a rule he must follow it. If "lawful" priests advise him, he must hearken to them. But there is no assertion that he must remit all doubtful points to their decision, or that they constitute a governmental organ vested with the official function of deciding such questions as a legal tribunal of last appeal. It would be easy to draw such a conclusion from his premises, but John does not draw it himself. Instead, he says that the ruler must know the law personally, and to that end should learn to read; but if he cannot read, then he should learn the law from the mouths of priests. "In accordance with their preaching should the ruling power guide the government of the magistracy committed to him."

The impression produced by such language is that John conceived the Church as having rather what we should today call a moral supremacy than a strictly legal one.[213] Of course, he would not have understood such a distinction; and as time passed and ideas came to be defined with greater legal precision, such views as his tended to shape themselves into the papal claim of something like legal sovereignty over the whole world. But no such articulated doctrine is to be found in the Policraticus. John does not even specify what priests the prince must obey; apparently he is thinking of all priests indiscriminately, provided only they be "legitimate." Obviously such obedience is characterized by an informality which is difficult to bring within the modern categories of legal or political subordination.[214]

[213] The Carolingian writers had definitely expressed this idea by defining the function of the bishop as that of "oversight." Hincmar, *"De Ordine Palatii,"* c. v., ed. Prou, p. 16.

[214] John's theory is ordinarily represented as an extreme form of the doctrine that temporal governments are subject to the political and legal supremacy of the priesthood. "The safest conclusion would be that in John of Salisbury and Honorius of Augsburg we find the first definite statement that all authority, ecclesiastical or secular, belongs to the spiritual power." Jacob, in *"Social and Political Ideas of Some Great Mediaeval Thinkers,"* p. 79. John "gathered together in his hand the separate threads of argument which had here and there been

Precisely because it was thus informally conceived, the doctrine was able to maintain itself; it broke down in the moment of achieving final legal definition.[215]

V. Tyranny, Tyrannicide, and Individual Liberty

The doctrine of the Policraticus is that there can be "tyranny" wherever there is rulership. "Tyranny exists not only in the case of princes, but everyone is a tyrant who abuses power that has been granted to him from above over those who are subjected to him."[216] "In common speech the tyrant is one

used by the Hildebrandine party and busied himself in weaving out of them, as well as out of newly invented material of his own, an enduring and colorful web wherein all the relations of the political and legal life of individuals as well as of peoples are firmly held together by the indestructible connecting link of the universal supremacy of the Church." Gennrich, *"Staats-und Kirchenlehre Johanns von Salisbury,* p. 157. See also Schaarschmidt, p. 348; Carlyle, *"History of Mediaeval Political Theory,"* vol. 4, pp. 335–6; Gierke, *"Political Theories of the Middle Age,"* tr. Maitland, note 10. It seems to me that this view is the result of unconsciously reading into the Policraticus the clean-cut definiteness of constitutional ideas with which we are familiar but of which John of Salisbury was innocent. His conception of the relations between Church and state cannot be interpreted in terms of constitutional law because he drew no distinction between constitutional and moral conceptions. His doctrine undoubtedly pointed in the direction of the constitutional supremacy of the church but did not itself embody it. Schubert seems to me correct in his view that most of the interpretation of John's doctrine has been one-sided (*Die Staatslehre Johanns von Salisbury,* p. 8) and that "the theories of the Policraticus are not exclusively of the high ecclesiastical variety but are combined with others which attribute to the state a high and independent significance" (ibid., p. 49 ff., pp. 36–37).

[215] *"Unam Sanctam"* preceded by one year the collapse at Anagni, and by three years the subjection of the Papacy to the French King.

[216] Bk. viii., c. 18. "Tyrant" is a name frequently applied, from the Carolingian period onward, to the feudal magnates who were forcibly extending their authority. Einhard, *Vita Caroli,* c. 2; Suger, *Vita Ludovici,* c. xxiii., *Oeuvres,* ed. Lecoy de la Marche, pp. 92–93, William of Newburgh, *Historia Rerum Anglicarum,* i, 22, in *"Chronicles of the Reigns of Stephen, Henry II., and Richard I.,"* Rolls Series, no. 82, i, 69.

who oppresses a whole people by rulership based on force; and yet it is not only over the people as a whole that a man can play the tyrant, but he can do so, if he will, in the meanest station" [217] . . . "It is not only kings who practice tyranny, but among private men there are a host of tyrants, since the power which they have, they turn to some forbidden object." [218] These passages illustrate the absence of any clear distinction in John's thought between the social and the political; abuse of public power is conceived simply in terms of a breach of personal morality.

So there may be tyranny on the part of persons holding ecclesiastical as well as temporal offices; [219] and "of the two kinds the ecclesiastical tyrant is worse than the temporal." [220] Much of John's discussion of the behavior of tyrants has reference to the ecclesiastial variety; but his theory of temporal tyrants is far more complete and well-defined.

In the sphere of temporal rulership the difference between a prince and a tyrant is that the prince obeys "the law," while the tyrant "oppresses the people by rulership based upon force, and regards nothing as accomplished unless the laws are brought to nought and the people reduced to slavery." [221] John then quotes the traditional etymology of "rex," which connected it with "recte," and gave a basis for the argument that he alone is entitled to the name of king who rules rightly.[222] This leads to the further inference that the will of the prince cannot be unjust or opposed to the law, because when it becomes so, he

[217] Bk. viii., c. 17 *infra.* [218] Ibid.. [219] Bk. viii. c. 23, *infra.*

[220] See especially Bk. vii., c. 17; Bk. viii., c. 17, c. 23, *infra.*

[221] Bk. viii., c. 17, *infra.* The idea that the difference between a prince and a tyrant consists in the fact that the one rules in accordance with law, and the other not, goes back in ecclesiastical tradition to St. Gregory's *Com. on Job,* xv., 20, Migne, *P. L.,* lxxv, 1006.

[222] Hor., *Ep.,* i., 1, 59–60; the definition seems to have come into serious political thought with St. Isidore of Seville, *Etym.,* ix., 3, Migne, *P. L.,* tom. 82, 342.

then ceases to be truly a prince and becomes a tyrant instead. "The will of the true ruler depends upon the law of God . . . but the will of a tyrant is the slave of his desire." [223] It is therefore quite proper to say that the will of the Prince has the force of law, because, insofar as he is truly a prince, his will cannot fail to be in accordance with the law.[224] "Who, indeed, in respect of public matters can properly speak of the will of the prince at all, since therein he may not lawfully have any will of his own, apart from that which the law or equity enjoins, or the calculation of the common interest requires? For in these matters his will is to have the force of a judgment; and most properly that which pleases him therein has the force of law, because his decision may not be at variance with the intention of equity." [225]

Having by this sleight-of-hand reconciled the doctrine of a "higher law" with the text *"Quod principi placet,"* it would no doubt have been possible for John to proceed to the conclusion later reached by Bartolus that some or all of the acts of the tyrant are legally void, and that his rule is without authority; [226] but he does not do so; for his way is here blocked by another current of authority to which he could hardly have dared to refuse deference. This is the tradition proceeding from the scriptural texts "The powers that be are ordained of God," [227] and "Servants, obey your masters." [228] The tyrant must be regarded as holding his power from God no less than the true prince, for "all power is from the Lord God. . . . It is not the ruler's own act when his will is turned to cruelty against

[223] Bk. viii., c. 22. *infra.*

[224] Dante attempted to show realistically that one who was sole monarch of the world *must* have a will directed toward good, for there is nothing further for him to desire. *De Mon.,* i., 11, 5.

[225] Bk. iv. c. 1, *infra.*

[226] See Bartolus, *"De Tyrannia,"* trans. in Emerton, *"Humanism and Tyranny,"* especially c. vii, pp. 134 ff.

[227] See Bk. iv., c. 1, *infra.* [228] Quoted Bk. vi., c. 27, *infra.*

his subjects, but it is rather the dispensation of God for His good pleasure to punish or chasten them. Power is worthy of veneration even when it comes as a plague upon the elect." [229] "Even tyrants of the gentiles who have been damned unto death from eternity are yet the ministers of God and are called the anointed of the Lord." [230]

In other words, tyranny is a part of God's providential ordering of the universe, and, as such, it must be met with due submission. "All power is good since it is from Him from whom alone are all things, and from whom cometh only good. But at times it may not be good, but rather evil, to the particular individual . . . upon whom it is exercised, though it is good from the universal standpoint, being the act of Him who uses our evil for His own good purposes. Therefore the rule of a tyrant is good, although there is nothing worse than tyranny." [231] "Because of the wickedness of our generation, who are continually provoking against ourselves the wrath of God, it more frequently happens that power comes into the hands of bad, than of good, men." [232] "For tyrants are demanded, introduced, and raised to power by sin," and "are properly deserved by a stiff-necked and stubborn people." [233] And just as God inflicts a tyrant upon a sinful people, so when they turn from their wickedness, God frees them from the oppressor.[234] A wicked king cannot escape the judgment of God. "Run through the sequence of all the histories, and you will see in brief the succession of kings and how they were cut off by God, like threads in the warp of a web." [235] Therefore the best way to get rid of tyrants "is for those who are oppressed to take

[229] Bk. iv., c. 1, *infra.*

[230] Bk. viii., c. 18, *infra.*

[231] Ibid. This is a commonplace of the 12th century: "De bonis et de malis bene facit Deus qui omnia juste facit atque disponit. Et sic fit ut et malus angelus et malus homo divinae militent providentiae." Hugh of Fleury, *Tract de Reg. Pot.*, i., c. 4.

[232] Ibid.

[233] Bk. viii., c. 20, *infra.*

[234] Ibid.; also Bk. iv, c. 11, *infra.*

[235] Bk. iv., c. 12, *infra.*

refuge humbly in the protection of God's mercy, and, lifting up undefiled hands to the Lord, to pray devoutly that the scourge wherewith they are afflicted may be turned aside from them." [236] For "the end of tyrants is confusion, leading to destruction if they persist in malice, to pardon if they repent and return to the way of righteousness." [237] Therefore a tyrant should be borne with in patience until he either suffers a change of heart or falls in battle, or otherwise meets his end by the just judgment of God.[238]

The notion that in God's good time tyrants are certain to meet a bad end is part of the conventional tradition of ecclesiastical political theory. It is found in the early work "De Duodecim Abusionibus Saeculi," [239] from which it is taken over by the Carolingian writers. According to this text if the king fails in his duty, many evils will come upon him and his land, his children will die, enemies will invade the provinces, there will be storms and tempests, wild beasts will devour the flocks, and his children will not inherit his throne.[240] In other words, his ruin will be brought about through causes wholly beyond the control of his subjects. They are encouraged to pray and to wait passively in the faith that God is just and will do justice. It is the strictly logical conclusion of the doctrine that tyrants are ministers sent of God.

From this conclusion, John of Salisbury strikes off at an inconsistent tangent into one of the most interesting and characteristic of his contributions to political thought. His point of departure may have been the situation presented when the tyrant commands the Christian subject to perform an act which is

[236] Bk. viii., c. 20, *infra*. For a full statement of this doctrine see Hugh of Fleury, loc. cit. note 231, *supra*.

[237] Bk. viii., c. 21, *infra*.

[238] Bk. viii., c. 20, *infra*.

[239] See above note 160.

[240] *De Duodecim Abusionibus Saeculi*, c. 9; Jonas of Orleans, *De Inst. Reg.*, c. 3; Hincmar of Rheims, *De Reg. Persona et Reg. Minist.*, c. 2.

contrary to the divine law. Here John's theory of the higher law compels him to say that the subject is bound to decline obedience. God must be preferred before man.[241] "Loyal shoulders should sustain the power of the ruler so long as it is exercised in subjection to God and follows His ordinances; but if it resists and opposes the divine commandments, and wishes to make me share in its war against God, then with unrestrained voice, I answer back that God must be preferred before any man on earth." [242]

Whether in such a case John advocates active opposition by the subject, or merely passive resistance as Luther was afterwards to do on practically the same premisses,[243] he does not make entirely clear. He appears to feel that as a matter of policy passive resistance is ordinarily best. "If princes have departed little by little from the true way, even so it is not well to overthrow them utterly at once, but rather to rebuke injustice with patient reproof until finally it becomes obvious that they are stiff-necked in evil-doing." [244] But there may come a time when active resistance is necessary: "Better would it be by far were the diadem torn from the head of the prince than that the good order of the chief and best part of the commonwealth, which is the part concerned with religion, should be destroyed at his pleasure." [245]

The right of resistance thus established, the transition is almost inevitable to the thought that here is one of the instruments which God can use in executing His judgment upon tyrants. Why should He be confined to resorting to the use of the inanimate forces of nature or the attacks of foreign enemies rather than to the arm of the tyrant's oppressed subjects? Since God must have an intermediary in the physical world through

[241] Bk. vi., c. 9; c. 12, *infra.* [242] Bk. vi., c. 25, *infra.*
[243] Cf. J. W. Allen, *"The Political Conceptions of Luther,"* in *"Tudor Studies,"* ed. R. W. Seton-Watson, pp. 98–100.
[244] Bk. v., c. 6., *infra.* [245] Bk. vii., c. 20, *infra.*

which to administer His vengeance, why is not a subject justified in becoming such an intermediary? "Malice is always punished by God; but sometimes it is His own, at others it is a human, hand which He employs to administer punishment to the unrighteous." [246] This is apparently the chain of inference which resulted in John's famous doctrine of tyrannicide,[247] a doctrine which perhaps more than any other part of the Policraticus engaged the attention of later mediaeval thinkers and which emerged into practical prominence during the period of the Counter-Reformation.[248]

John bases his theory of tyrannicide on the authority of examples drawn from scriptural, classical and ecclesiastical history. Many times, he says, the Children of Israel were in bondage to tyrants in accordance with the dispensation of God, "and then, when they cried aloud to God, they were set free. And when the allotted time of their punishment was fulfilled, they were allowed to cast off the yoke from their necks by the slaughter of their tyrants; nor is blame attached to any of those by whose valor a penitent and humbled people was thus set free, but their memory is preserved in affection and honor by posterity as the servants of God." [249] By the example of Sisera and Holofernes he "establishes" that "it is just for public tyrants to be killed and the people set free for the service of God." [250] These stories show that the use of "pious dissimulation" to lure tyrants to their ruin "is not treachery be-

[246] Bk. viii., c. 21, *infra*. And again: "The Lord employed first the sword of the angel against the army of the wicked king, and afterwards against the king himself He used the hands of his own sons." *Ibid.*

[247] John of Salisbury was the first mediaeval writer to erect tyrannicide into a doctrine and defend it with reasoned arguments. See Gennrich, *"Die Staats- und Kirchenlehre Johanns von Salisbury,"* pp. 106 ff.

[248] See A. Douarche, *De Tyrannicidio apud Scriptores xvi Seculi,* Latin thesis, Paris, Hachette, 1888.

[249] Bk. viii., c. 20, *infra*. [250] Ibid.

cause it serves the cause of the faith, and fights in behalf of charity." "Even priests of God repute the killing of tyrants as piety, and if it should appear to wear the semblance of treachery, they say that it is consecrated to God by a sacred mystery." But as for the use of poison against tyrants, John says that he has not read that it is ever permitted by any law. "Not that I believe that tyrants ought not to be removed from our midst, but it should be done without loss of religion and honor." [251] Similarly "the histories all teach that none should undertake the death of a tyrant who is bound to him by an oath or by the obligation of fealty." [252] With these limitations, "it is as lawful to kill a tyrant as to kill a condemned enemy." All these passages merely go to show that tyrannicide is not unlawful, and not that it is a positive duty; indeed it is in connection with them that John expressed his opinion, already quoted, that usually the safest and most expedient method of destroying tyrants is for those who are oppressed to pray to God that their scourge may be removed; and he praises the forbearance of David, who "although he had to endure the most grievous tyrant, and although he often had an opportunity of destroying him, yet preferred to spare him, trusting to the mercy of God, within whose power it was to set him free without sin." [253] Elsewhere, however, John represents tyrannicide as amounting to a public duty. "To kill a tyrant," he says, "is not merely lawful, but right and just. For whosoever takes up the sword deserves to perish by the sword. And he is understood to take up the sword who usurps it by his own temerity and who does not receive the power of using it from God. Therefore the law rightly takes arms against him who disarms the laws, and the public power rages in fury against him who strives to bring to nought the public force. And while there are many acts which amount to *lèse majesté,* none is a graver crime than that which is aimed

[251] Bk. viii., c. 20, *infra.* [252] Ibid. [253] Bk. viii., c. 20, *infra.*

against the body of Justice herself. Tyranny therefore is not merely a public crime, but, if there could be such a thing, a crime more than public. And if in the crime of *lèse majesté* all men are admitted to be prosecutors, how much more should this be true in the case of the crime of subverting the laws which should rule even over emperors? Truly no one will avenge a public enemy, but rather whoever does not seek to bring him to punishment commits an offence against himself and the whole body of the earthly commonwealth." [254]

John of Salisbury, it seems plain from this passage, had fundamentally no clear conception of the difference between private individual action and public collective action to rid the community of a tyrant. Or rather he seems to have been unable to conceive of the community as capable of so ridding itself except by private action; the need for, or the possibility of, organized collective action is not suggested.[255] It was the obvious danger latent in the irresponsibility of private tyrannicide which caught the attention of later thinkers and caused them to repudiate John's position. St. Thomas points out that it would be subversive of all civil order if private individuals should claim the right to murder their governors on the ground

[254] Bk. iii., c. 15. This passage does not fall within the part of the Policraticus covered by my translation. Unlike the reference to tyranny in other parts of the work, it seems to emphasize usurpation of authority as the essence of tyranny. This suggests a possible foreshadowing of the later distinction between "tyrants by defect of title" and "tyrants by abuse of power." See Bartolus in Emerton, *"Humanism and Tyranny,"* p. 132. The notion that usurpers—*i. e.* "tyrants by defect of title,"—might be lawfully resisted, although it was never lawful to resist a legitimate hereditary ruler no matter how he might abuse his power, was advanced by an imperialist writer at the end of the eleventh century: *Liber de unitate ecclesiae conservanda*, i, 13, *M. G. H., Libelli de Lite*, ii, 173 ff.

[255] In the next generation after John of Salisbury, the doctrine of tyrannicide is stated as a commonplace by Giraldus Cambrensis, *"De Principis Instructione,"* Dis. I., c. xvi. *Opera*, Rolls Ser., no. 21, vol. viii., p. 56: *"Percussori tyranni non poena sed palma promittitur."*

that they believe them tyrants.[256] Coluccio Salutati undertakes to answer John specifically and denies that a single person or even several together can properly take justice into their own hands; the tyrant must be removed, if at all, only by the collective action of the community.[257] The question came to the attention of all Europe in a vivid and dramatic way at the beginning of the fifteenth century when the Council of Constance was called upon to condemn a book written by one Jean Petit in which the murder of Louis of Orleans at the instigation of the Duke of Burgundy was defended on the ground of the right of tyrannicide. Petit cited the Policraticus as an authority.[258] Gerson replied by arguing that to vest the right of tyrannicide in a subject would be to make him the legitimate judge of his ruler; and a legitimate judge, even the king himself, may not condemn an accused person without summons, trial and conviction. "Certainly no mere private individual can have greater authority over one not lawfully subject to him than a king has over his own subjects." [259]

John of Salisbury had based his doctrine of tyrannicide on the conception that a private individual may lawfully act to enforce "the law" against a tyrannical or "outlaw" ruler. What

[256] *De Reg. Prin.,* Bk. i., c. 6. There is nothing to indicate that John did or did not regard the self-appointed slayer of a tyrant as in some informal way "representing," or at least acting in behalf of, the community. Perhaps he did. But since he permitted any individual to take this service upon himself without waiting for any orderly mandate from the community, the result certainly does not conform to our conception of organized community action. In most instances, however, John seems to have regarded the slayer of the tyrant as "representing" God rather than the community.

[257] *"De Tyrannia,"* c. ii., in Emerton, *"Humanism and Tyranny,"* p. 92. But Coluccio apparently holds that a private individual may assassinate a "tyrant by defect of title." Ibid. p. 85.

[258] See his *"Assertio Propositionum adversus magistrum Joannum de Gersono,"* Gerson, *Opera,* (Antwerp, 1706) tom. v., col. 397.

[259] *"Reprobatio novem Assertionum Joannis Parvi,"* op. cit., tom. v., col. 363.

later thought brought out was that law can be enforced only by an agent holding a legitimate mandate from the community. The difference between these two conceptions registers the most momentous advance in political thought during the interval; and it isolates and emphasizes the cardinal element which was missing from the political thought of the Policraticus and the whole tradition which it represents. John of Salisbury does not seem to have conceived that the community, or *universitas,* could act except through the prince.[260] If action was to be taken against him, it had therefore to be taken as private individual action. This seems to stand out clearly from the last passage quoted from the Policraticus. The action there contemplated against the prince is public action; but public action not taken through the prince cannot be organized action; it can only be action by all or any, that is to say, action by separate individuals. This is the natural outcome of the patriarchal conception of society as an organized hierarchy; it is the same conception which no doubt lay at the bottom of Bodin's denial that a representative assembly could do more than offer good advice to the prince.[261]

But meanwhile in John of Salisbury's own generation another idea was taking form which was to supply this missing element to later thought. It was an idea which seems to have had its source among the Roman lawyers, and it consisted in identifying the corporate or organized community with the whole membership of the group,—the *"universitas"* with the *"populus."* Once this idea had taken hold, it is no longer necessary to think that the community can act as a community only through the prince who is set over them by God; from now on they can

[260] This view is definitely expressed by Baldus in the fourteenth century: "imperator est ipsum imperium," *Com. on Cod.*, Bk. X., Rubr. 1, nr. 13; see also Baldus, *Consil.*, vol. iii., c. clix., nr. 5. John of Salisbury himself seems to identify the corporate community with its head: *"adversus caput aut universitatem membrorum."* Bk. vi, c. 25, *infra.*

[261] *"Six Livres de La République,"* Bk. i., c. 8.

act through whatever organization they choose to shape for themselves. The idea of the king's trusteeship gives way before the idea of an autonomous corporation. The *universitas* ceases to be a mere inert thing whose *"persona"* is permanently delegated to and "borne by" the prince; it becomes an active unity, bearing its own *"persona,"* and capable of speaking and acting for itself, against the prince if need be. This is the idea which is already emerging in the speech of Archbishop Hubert at the coronation of King John of England, above referred to; Hubert says that it is the *universitas,* not merely the "clerus et populus," which must assent to the choice of a King. In other words the *universitas* can act independently of, and even against, the king. The importance of the idea for establishing a check on the king and eliminating the necessity of resort to tyrannicide comes to a head in Bracton. Bracton like John of Salisbury says that the king is the vicar of God and as such is subject only to God; so that if he abuses his power, there is room only for supplication that he should amend his ways, and if he will not do this, he must be left to the judgment of God. But Bracton no more than John is content with this result; and by the same sort of sudden inconsistency with which John had advanced the doctrine of tyrannicide, Bracton turns about upon himself and adds that the *"universitas regni"* and *"baronagium,"* acting through the king's court, may restrain his tyranny.[262] Here is the beginning of a conception which men were more and more to grasp during the thirteenth century but which they were not to transform into effective political practice until the sixteenth and seventeenth centuries.[263]

Meanwhile the doctrine of individual action in the form of tyrannicide was, apart from the self-limitation of their own

[262] Bracton, iv., 10.

[263] The idea first takes a firm hold in Buchanan's *"De Jure Regni apud Scotos,"* cc. xxviii, and in the *Vindiciae Contra Tyrannos,* ed. Laski, pp. 127–136.

power by rulers,[264] the only conceivable check upon despotism; and at the same time it was the almost necessary inference from the doctrine of a higher law. For, after all, kings and governments and organized communities had no peculiar prerogative to know and enforce that law; it was binding upon them no less than upon private individuals, and knowledge of it was the result of grace and wisdom and not of official position. If this view was honestly and fully accepted there was nothing inherently objectionable in the idea that a private individual might enforce the law by private action; for its precepts were definite and uniform and were as accessible to private persons as to officials. The doctrine of a higher law carried with it an inevitable implication of what today would probably be called philosophic anarchism.[265]

It is not hard to see that this philosophic anarchism forms an important strain running through the thought of the Policraticus. It emerges in John's yearning for a condition of society where there would be no princely rule, but men in a state of innocence would live together under "the law" in Christian love. "For if iniquity and injustice, banishing charity, had not brought about tyranny, firm concord and perpetual peace would have possessed the peoples of the earth forever, and no one would think of enlarging his boundaries. Then kingdoms would

[264] Bk. viii., c. 20, *infra.*

[265] For John's individualism, see Gennrich, "*Die Staats- und Kirchenlehre Johanns von Salisbury*," p. 14; E. F. Jacob in "*The Social and Political Ideas of Some Great Mediaeval Thinkers*," pp. 61 ff. Gennrich, *loc cit.*, points out the significant absence from John's thought of any consideration of the connection between individual and social life or of the transition from one to the other. For a survival in the seventeenth century of the notion that there was no agency save the conscience of individuals to judge whether the ruler had broken the "fundamental laws," see the passages from Philip Hunton's *Treatise of Monarchy* quoted and criticized in Sir Robert Filmer's *Anarchy of Mixed Monarchy*, in *The Freeholders Grand Inquest* (ed. 1680), pp. 265, 272.

be as peaceful, according to the great father Augustine, and would enjoy as undisturbed repose as the separate families in a well-ordered state, or as different persons in the same family; or perhaps, which is even more credible, there would be no kingdoms at all, since it is clear from the ancient histories that in the beginning these were founded by iniquity." [266] Here comes to the surface that combined current of Christian and Stoic thought which religious tradition was to carry forward from the days of the apostles to the days of Godwin and Shelley. The same thought lies behind John's reiterated assertion that it is the function of the prince to reign and not to rule,[267] —the true prince says, "I will not rule over you, but God shall rule over you"; [268] under a good prince, it is not the prince himself who governs, but the law.

In other words the existence of a complete code of intelligible laws of divine authority practically eliminates the necessity of government except as a purely ministerial instrumentality of enforcement; and in so far as men are good they will obey without being forced. There need not be, there must not be, any subordination of one merely human "will" to another, for men can find agreement and harmony in their contacts only by being shaped or by shaping themselves to the passionless reason of the divine law. It is better that they should shape themselves than that they should be shaped by the power of government. At this point there enters John's thought the concept of "liberty," which is akin to the individualism underlying his doctrine of tyrannicide.

"Liberty means judging everything freely in accordance with private judgment." Nothing is more important, because liberty and virtue are interdependent. "Virtue can never be fully attained without liberty," while on the other hand a man who is not virtuous, i. e. whose will does not faithfully follow the

[266] Bk. viii., c. 17, *infra*.
[267] Bk. viii., c. 20, c. 22, *infra*.
[268] Bk. viii., c. 22, *infra*.

divine laws, can never be said to be truly free. The love of liberty therefore leads to the introduction of good laws because only with such laws is true liberty compatible. "It is the part of a wise man to give free rein to the liberty of others." "But when under the pretext of liberty rashness unleashes the violence of its spirit it properly incurs reproach." [269]

Here is another unmistakable vein of tradition—the tradition which runs from St. John's "The truth shall make you free," [270] to Milton's

> "They still revolt when truth would set them free,—
> License they mean when they cry liberty."

But of this doctrine of liberty, John of Salisbury makes almost no further use. The one inference that he draws from it is an earnest plea in favor of freedom of speech; for "what will be safe and secure if even the virtues, among which the spirit of liberty and independence holds a leading place, are to be punished?" And he cites the example of the Roman Saturnalia to prove that "the law" itself recognized a right of free speech "in respect of utterances which are designed to serve the public advantage." John's thought seems to be that since all have at least potential access to knowledge of the "higher law," the community is entitled to the benefits of the knowledge of all; and this requires that all should be allowed to speak their knowledge freely.

SUMMARY AND CONCLUSION

It is the very inconsistencies in the political thought of the Policraticus and its blending of apparently incompatible elements which give it its principal value; for it discloses still in combination a number of separate strains of thought whose later

[269] Bk. vii., c. 25, *infra*. [270] John, viii., 32.

dissociation was to form the main currents of opposing doctrine for many succeeding centuries. It presents the patriarchal theory of monarchy which in union with ideas derived from Renaissance Italy was to culminate in the seventeenth century conception of personal absolutism. It foreshadows the doctrine of the divine right of kings in its derivation of the ruler's title directly from God. In its insistence on the superiority of spiritual over temporal rulers and on the primacy of the Apostolic See it contains the elements of the theory of universal papal supremacy. In its emphasis on a "higher law" supreme over all governments it has its place in the tradition leading up to Coke's doctrine of judicial supremacy. In its insistence that men in so far as they are free from sin can live by the law alone and need no government, it anticipates the Christian communism of the more advanced Reformation Sects and modern doctrines of philosophic anarchism. The one outstanding current of thought of which absolutely no trace is present is that which was to prove ultimately the most fruitful of all —the thought, namely, that the community can organize itself for the accomplishment of its common purposes by developing institutions for pooling the ideas and harmonizing the ends of its members.

It seems a futile question to ask which of these various strains of thought was dominant in the Policraticus or to seek some way of harmonizing their divergent tendencies. The very point for emphasis is that their diversities are the product of the distinctness which was to be given them by centuries of subsequent controversy. They were able to live together side by side in the Policraticus simply because they were not conceived with modern distinctness. Early thought, Maitland has said, is confused thought. "Simplicity is the outcome of technical subtlety, it is the goal, not the starting point. As we go backward, the familiar outlines become blurred; the ideas be-

come fluid, and instead of the simple we find the indefinite." [271] It is from this point of view that we must read the Policraticus. We must not ask exactly where John of Salisbury would have drawn the line between princely power and priestly supremacy; or between royal discretion and the "higher law." The point is that he draws no clear line. Every important idea is deeply tinged with much of what we conceive to be its opposite; and it carried much of this tinge with it into its later history. The significance of the Policraticus for students of the political ideas of after times consists precisely in the fact that it discloses the more or less confused mass of contradictory ideas in which they were originally embedded, and which served to limit and correct them.

[271] *"Domesday Book and Beyond,"* p. 9.

THE STATESMAN'S BOOK OF JOHN OF SALISBURY

TABLE OF CHAPTERS

THE FOURTH BOOK

(AND HEREIN CHIEFLY OF THE PRINCE AND THE LAW)

I Of the Difference between a Prince and a Tyrant, and of what is meant by a Prince 3

II What the Law is; and that although the Prince is not bound by the Law, he is nevertheless the Servant of the Law and of Equity, and bears the Public Person, and sheds Blood blamelessly 6

III That the Prince is the Minister of the Priests and inferior to them; and of what amounts to Faithful Performance of the Prince's Ministry 9

IV That it is established by Authority of the Divine Law that the Prince is subject to the Law and to Justice 15

V That the Prince should be chaste and avoid Avarice 19

VI That he should have the Law of God ever before his Mind and Eyes, and should be learned in Letters 24

VII That he should be taught the Fear of God and should be humble, and so maintain his Humility that the Authority of the Prince may not be diminished; and that some Precepts are flexible, others inflexible 32

VIII That the Prince should effect a Reconciliation of Justice with Mercy, and should so temper and combine the two as to promote the Advantage of the Commonwealth

IX What the Meaning is of inclining to the Right Hand, or the Left, which is forbidden to the Prince 43

X Of the Advantage which Princes may draw from the Practice of Justice 45

XI Of another Reward of Princes 48

XII For what Reasons the Kingship or Princely Power is transferred 57

THE FIFTH BOOK

(AND HEREIN OF THE COMMONWEALTH AND ITS MEMBERS, AND ESPECIALLY OF THE ADMINISTRATION OF JUSTICE)

I Plutarch's Letter for the instruction of Trajan 63

II What a Commonwealth is, according to Plutarch, and what fills therein the Place of Soul and Members 64

III What things are chiefly emphasized in Plutarch's Design; and concerning the Reverence which is to be shown to God and to Sacred Things 67

IV Of Reverence for Persons and Things; and in what ways a Person may be worthy of Reverence 73

V What Punishment is threatened against those who commit Injuries against Ministers of the Church and against Sacred Places; and that Absolution cannot be extorted by Force, nor purloined by Fraud 80

VI Concerning the Prince, who is the Head of the Commonwealth, and of his Election and Privileges; and concerning the Recompense of Virtue and Guilt; and that Blessed Job should be imitated; and concerning the Virtues of Blessed Job 83

VII What Mischiefs and Advantages befall Subjects from the Character of their Princes; which is supported by Examples of Several Stratagems 94

VIII Why Trajan seems worthy of Preference before all Princes 104

IX Concerning those who fill the Place of the Heart in the Commonwealth, and that Unjust Men are to be excluded from the Counsels of Rulers; and of the Fear of God, and of Wisdom and Philosophy 108

X Of the Sides of Rulers, whose Necessities must be satisfied and their Malice curbed 114

XI Of the Eyes, Ears, and Tongue of Rulers; of the Office of Governor; and that a Judge should have Knowledge of the Law and of Equity, a Will disposed toward Good, and adequate Power of Enforcement, and that he should be bound by an Oath to keep the Laws and should be free from the Taint of receiving Gifts 123

XII Of the Oath of Judges, with a comparison of Pitagoras and Alexander, and in what matters a Judge may show favor to the Parties before him; and concerning Sophistical Questions 129

XIII How a Law-suit should proceed, and of the Formula of the Oath against Malicious Litigation which the Plaintiff and Defendant are required to take; and of the Consequences of refusing to take the Oath; and of the Oath of Advocates, and of the Punishment of False Prosecution, Concealment of the Truth, and Refusal to Proceed 136

XIV Concerning the Rationale of Proofs 140

XV What things pertain to the Duty of Proconsuls, Governors, and Ordinary Judges; and how far Presents may be offered and accepted; and concerning Cicero, Bernard, Martin and Gaufred of Chartres 143

XVI Of the Crime of Extortion, of which Governors and Judges are Guilty who accept anything for doing what it is the Duty of their Office to do; and of Samuel, who teaches that there should be Continual Sacrifice in the House of a Judge, which should show itself to be a Temple of God by Offerings of Justice and Good Works 148

XVII That Money is to be Despised in comparison with Wisdom; which is proved by the Examples of the Ancient Philosophers 157

THE SIXTH BOOK

(AND HEREIN OF THE ARMED HAND OF THE COMMONWEALTH, AND OF THE MUTUAL COHESION OF HEAD AND MEMBERS)

Prologue 171

I That the Hand of the Commonwealth is either armed or unarmed, and of the Hand which is unarmed, and its Function 173

II That Military Service requires Selection, Science, and Training 180

III Of Braggart Soldiers who are of no use for Service 184

IV What kind of Knowledge and Training Soldiers should have, and that they should not be permitted to be idle; and concerning Augustus, who caused his Daughters to be taught Wool-making 186

V That there are two Chief Things which make a Soldier, to wit, Selection and the Soldier's Oath. 190

VI Of the Ills which come upon our Countrymen from Negligent Choice of Soldiers and how Harold subdued the Welsh 193

VII What is the Formula of the Soldier's Oath and that, without it, a Man may not be a soldier 196

VIII That the Soldiery of Arms is necessarily bound to Religion like that which is consecrated to Membership in the Clergy and the Service of God; and that the Name of Soldier is one of Honor and Toil 198

IX That the Faith which is owed to God is to be preferred before any Man, nor can Man be served unless God is served 201

X Of the Privileges of Soldiers, and that they are bound to the Church by their Oath, and why the Sword is offered upon the Altar 203

XI That Soldiers are to be Punished with Severity if, in Contempt of Military Law, they abuse their Privileges 205

XII That there are Various Kinds of Punishment for those who disobey their Commander and how far Obedience is due; and in Respect of what Commands Military Jurisdiction is competent and where not 209

XIII Why Soldiers are deprived of their Belt, and that a Soldier who has been dishonorably discharged holds no Commerce with Sword or Spear; and why the Sword is inserted in the Belt 216

XIV That Military Discipline is of the Greatest Use, and of what chiefly destroys Military Strength 220

XV That the Romans were strong beyond all other Nations in point of Discipline, and that among them Julius Cæsar prospered beyond all others 224

XVI What Mischiefs happen to our Countrymen from Lack of Discipline 226

XVII That we have Examples of Valor given us by our Countrymen, and of the Cities which Brennus founded in Italy according to the Ancient Histories 229

XVIII Instances from Recent History; and of how King Henry the Second calmed the Tempests and Hurricanes of King Stephen's Time and brought Peace to the Island 232

XIX Of the Honor to be shown to Soldiers, and of the Modesty to be enjoined upon them; and of those who have handed down the Art of War, and of certain of their General Precepts 238

XX Of those who are the Feet of the Commonwealth, and of the Care which should be bestowed thereon 243

XXI That the Commonwealth should be ordered to the Pattern of Nature, and that its Arrangement should be borrowed from the Bees 245

XXII That without Prudence and Watchfulness no Magistrate can remain in Safety and Vigor, and that a Commonwealth does not flourish whose Head is enfeebled 246

XXIII That Levity or Rash Carelessness is to be avoided in Speaking and Hearing; and that Pleasure ends in Repentance 249

XXIV That the Vices of Rulers are to be endured because they embody the Hope of the Public Well-being, and because they are charged with the Disposal of the Means of Public Health, even as the Stomach in the Body Natural dispenses Nourishment; and this on the Authority of Dom Adrian 257

XXV Of the Cohesion and Mutual Dependence of the Head and Members of the Commonwealth; and that the Prince is as it were the Likeness of Deity; and of the Crime of Lèse Majesté, and of the Obligations of Fealty 258

XXVI That Faults are to be either Tolerated or Removed, and that they are to be Distinguished from Flagrant outrages: and Certain General Observations concerning the Office of a Prince: and a Brief Epilogue as to how great is the Reverence to be shown to him 264

XXVII That the Tribe of Gnato ruin all things nor suffer the Truth to be spoken: and that their Skins should be stripped from them as was done to Marsias, if Rich Men would be wise: and that God Himself punishes the Persecutors of the Poor 268

XXVIII On the Authority of the Socrates as to when a Man is commended deservedly and when Praise is Counterfeit 271

XXIX That the People is shaped to the measure of the Prince's Deserts and that the Prince's Government is shaped to the Measure of the People's Deserts: and that when God is well pleased every Creature is tamed and serves Man 276

SELECTIONS FROM

THE SEVENTH BOOK

(CHAPTERS DEALING CHIEFLY WITH AMBITION AND THE WILES OF THE AMBITION)

XVII Of Ambition; and that Cupidity is the Companion of Folly; and of the Origin of Tyranny; and of the Diverse Ways of the Ambitions 281

XVIII That the Ambitious dissimulate their Great Desire, and of the Excuses wherewith they veil their Real Objective 288

XIX Of those who push themselves forward without veiling their Impudence or Dissembling their Ambition and who can be held back neither by Reason nor Authority 292

XX Of the Laws of Secular Princes whereby Courtiers and Officials are excluded from Ecclesiastical Honors; and by what Examples the Dathanites and Abironites strive to prevail 302

XXI Of Hypocrites who seek to hide the Stain of Ambition under a False Pretense of Religion 312

XXV Of the Love and Pursuit of Liberty; and of those of Old Time who patiently bore with Free Speaking; and of the Difference between a Gibe and a Taunt 323

SELECTIONS FROM
THE EIGHTH BOOK

(CHAPTERS ON TYRANNY AND TYRANNICIDE)

XVII Wherein consists the Difference between a Tyrant and a True Prince; and of the Tyranny of Priests; and wherein a Shepherd, a Thief, and a Hireling differ from one another 335

XVIII That Tyrants are the Ministers of God; and of what a Tyrant is; and concerning the Characters of Gaius Caligula and Nero his Nephew, and of the Death of each of them 350

XIX Of the Death of Julius Cæsar and other Gentile Tyrants 358

XX That by the Authority of the Divine Page it is a Lawful and Glorious Thing to slay Public Tyrants, provided the Slayer is not bound by Fealty to the Tyrant or does not for some other Reason sacrifice Justice and Honor thereby 367

XXI That all Tyrants come to a Bad End; and that God will punish them if the Hand of Man is wanting, and that this is shown in the case of Julian the Apostate and many examples from the Sacred Scriptures 325

XXII Of Gedeon, the Pattern of Rulers; and of Antiochus 394

XXIII That the advice of Brutus is to be employed against those who not merely Contend but schismatically Fight for the Supreme Pontificate; and that for Tyrants there is no Peace 398

Here Begins

THE FOURTH BOOK

(AND HEREIN CHIEFLY OF THE PRINCE AND THE LAW)

CHAPTER I

OF THE DIFFERENCE BETWEEN A PRINCE AND A TYRANT AND OF WHAT IS MEANT BY A PRINCE.

Between a tyrant and a prince there is this single or chief difference, that the latter obeys the law and rules the people by its dictates, accounting himself as but their servant. It is by virtue of the law that he makes good his claim to the foremost and chief place in the management of the affairs of the commonwealth and in the bearing of its burdens; and his elevation over others consists in this, that whereas private men are held responsible only for their private affairs, on the prince fall the burdens of the whole community. Wherefore deservedly there is conferred on him, and gathered together in his hands, the power of all his subjects, to the end that he may be sufficient unto himself in seeking and bringing about the advantage of each individually, and of all; and to the end that the state of the human commonwealth may be ordered in the best possible manner, seeing that each and all are members one of another. Wherein we indeed but follow nature, the best guide of life; for nature has gathered together all the senses of her microcosm or little world, which is man, into the head, and has subjected all the members in obedience to it in such wise that they will all function properly so long as they follow the guidance of the head, and the head remains sane. Therefore the prince stands on a pinnacle which is exalted and made splendid with all the great and high privileges which he deems necessary for himself. And rightly so, because nothing is more advantageous to the people than that the needs of the prince should be fully

satisfied; since it is impossible that his will should be found opposed to justice. Therefore, according to the usual definition, the prince is the public power, and a kind of likeness on earth of the divine majesty. Beyond doubt a large share of the divine power is shown to be in princes by the fact that at their nod men bow their necks and for the most part offer up their heads to the axe to be struck off, and, as by a divine impulse, the prince is feared by each of those over whom he is set as an object of fear. And this I do not think could be, except as a result of the will of God. For all power is from the Lord God, and has been with Him always, and is from everlasting. The power which the prince has is therefore from God, for the power of God is never lost, nor severed from Him, but He merely exercises it through a subordinate hand, making all things teach His mercy or justice. "Who, therefore, resists the ruling power, resists the ordinance of God," [1] in whose hand is the authority of conferring that power, and when He so desires, of withdrawing it again, or diminishing it. For it is not the ruler's own act when his will is turned to cruelty against his subjects, but it is rather the dispensation of God for His good pleasure to punish or chasten them. Thus during the Hunnish persecution, Attila, on being asked by the reverend bishop of a certain city who he was, replied, "I am Attila, the scourge of God." Whereupon it is written that the bishop adored him as representing the divine majesty. "Welcome," he said, "is the minister of God," and "Blessed is he that cometh in the name of the Lord," and with sighs and groans he unfastened the barred doors of the church, and admitted the persecutor through whom he attained straightway to the palm of martyrdom. For he dared not shut out the scourge of God, knowing that His beloved Son was scourged, and that the power of this scourge which had come upon himself was as nought except it came from God. If good men thus regard power as

[1] Rom., xiii., 2.

worthy of veneration even when it comes as a plague upon the elect, who should not venerate that power which is instituted by God for the punishment of evil-doers and for the reward of good men, and which is promptest in devotion and obedience to the laws? To quote the words of the Emperor, "it is indeed a saying worthy of the majesty of royalty that the prince acknowledges himself bound by the Laws." [2] For the authority of the prince depends upon the authority of justice and law; and truly it is a greater thing than imperial power for the prince to place his government under the laws, so as to deem himself entitled to do nought which is at variance with the equity of justice.

[2] Justin., Cod., I., 14, § 4.

CHAPTER II

WHAT THE LAW IS; AND THAT ALTHOUGH THE PRINCE IS NOT BOUND BY THE LAW, HE IS NEVERTHELESS THE SERVANT OF THE LAW AND OF EQUITY, AND BEARS THE PUBLIC PERSON, AND SHEDS BLOOD BLAMELESSLY.

Princes should not deem that it detracts from their princely dignity to believe that the enactments of their own justice are not to be preferred to the justice of God, whose justice is an everlasting justice, and His law is equity. Now equity, as the learned jurists define it, is a certain fitness of things which compares all things rationally, and seeks to apply like rules of right and wrong to like cases,[1] being impartially disposed toward all persons, and allotting to each that which belongs to him. Of this equity the interpreter is the law, to which the will and intention of equity and justice are known. Therefore Crisippus asserted that the power of the law extends over all things, both divine and human, and that it accordingly presides over all goods and ills, and is the ruler and guide of material things as well as of human beings. To which Papinian, a man most learned in the law, and Demosthenes, the great orator, seem to assent, subjecting all men to its obedience because all law is, as it were, a discovery, and a gift from God, a precept of wise men, the corrector of excesses of the will, the bond

[1] Webb (vol. I., p. 237) cites this definition from Azo without specific reference and suggests a comparison with Cic., *Top.*, 4, § 23. But the same definition is found in an ancient introduction to the Institutes (Fitting, "*Juristische Schriften des früheren Mittelalters*") which Fitting ascribes to a date prior to the rise of the Bolognese law-school and regards as representing earlier Byzantine tradition, *op. cit.*, p. 146; for date, *ibid.*, p. 98.

which knits together the fabric of the state, and the banisher of crime;[2] and it is therefore fitting that all men should live according to it who lead their lives in a corporate political body. All are accordingly bound by the necessity of keeping the law, unless perchance there is any who can be thought to have been given the license of wrong-doing. However, it is said that the prince is absolved from the obligations of the law; but this is not true in the sense that it is lawful for him to do unjust acts, but only in the sense that his character should be such as to cause him to practice equity not through fear of the penalties of the law but through love of justice; and should also be such as to cause him from the same motive to promote the advantage of the commonwealth, and in all things to prefer the good of others before his own private will. Who, indeed, in respect of public matters can properly speak of the will of the prince at all, since therein he may not lawfully have any will of his own apart from that which the law or equity enjoins, or the calculation of the common interest requires? For in these matters his will is to have the force of a judgment; and most properly that which pleases him therein has the force of law, because his decision may not be at variance with the intention of equity. "From thy countenance," says the Lord, "let my judgment go forth, let thine eyes look upon equity";[3] for the uncorrupted judge is one whose decision, from assiduous contemplation of equity, is the very likeness thereof. The prince accordingly is the minister of the common interest and the bond-servant of equity, and he bears the public person in the sense that he punishes the wrongs and injuries of all, and all crimes, with even-handed equity. His rod and staff also, administered with wise moderation, restore irregularities and false departures to the straight path of equity, so that deservedly may the Spirit congratulate the power of the prince

[2] Dig., I., 3, §§ 1–2. [3] Ps., xvii, 2.

with the words, "Thy rod and thy staff, they have comforted me."[4] His shield, too, is strong, but it is a shield for the protection of the weak, and one which wards off powerfully the darts of the wicked from the innocent. Those who derive the greatest advantage from his performance of the duties of his office are those who can do least for themselves, and his power is chiefly exercised against those who desire to do harm. Therefore not without reason he bears a sword, wherewith he sheds blood blamelessly, without becoming thereby a man of blood, and frequently puts men to death without incurring the name or guilt of homicide. For if we believe the great Augustine, David was called a man of blood not because of his wars, but because of Uria. And Samuel is nowhere described as a man of blood or a homicide, although he slew Agag, the fat king of Amalech. Truly the sword of princely power is as the sword of a dove, which contends without gall, smites without wrath, and when it fights, yet conceives no bitterness at all. For as the law pursues guilt without any hatred of persons, so the prince most justly punishes offenders from no motive of wrath but at the behest, and in accordance with the decision, of the passionless law. For although we see that the prince has lictors of his own, we must yet think of him as in reality himself the sole or chief lictor, to whom is granted by the law the privilege of striking by a subordinate hand. If we adopt the opinion of the Stoics, who diligently trace down the reason for particular words, "lictor" means "legis ictor," or "hammer of the law," because the duty of his office is to strike those who the law adjudges shall be struck. Wherefore anciently, when the sword hung over the head of the convicted criminal, the command was wont to be given to the officials by whose hand the judge punishes evil-doers, "Execute the sentence of the law," or "Obey the law," to the end that the misery of the victim might be mitigated by the calm reasonableness of the words.

[4] Ps. xxiii, 4.

CHAPTER III

THAT THE PRINCE IS THE MINISTER OF THE PRIESTS AND INFERIOR TO THEM; AND OF WHAT AMOUNTS TO FAITHFUL PERFORMANCE OF THE PRINCE'S MINISTRY.

This sword, then, the prince receives from the hand of the Church, although she herself has no sword of blood at all. Nevertheless she has this sword, but she uses it by the hand of the prince, upon whom she confers the power of bodily coercion, retaining to herself authority over spiritual things in the person of the pontiffs. The prince is, then, as it were, a minister of the priestly power, and one who exercises that side of the sacred offices which seems unworthy of the hands of the priesthood. For every office existing under, and concerned with the execution of, the sacred laws is really a religious office, but that is inferior which consists in punishing crimes, and which therefore seems to be typified in the person of the hangman. Wherefore Constantine, most faithful emperor of the Romans, when he had convoked the council of priests at Nicaea, neither dared to take the chief place for himself nor even to sit among the presbyters, but chose the hindmost seat. Moreover, the decrees which he heard approved by them he reverenced as if he had seen them emanate from the judgment-seat of the divine majesty. Even the rolls of petitions containing accusations against priests which they brought to him in a steady stream he took and placed in his bosom without opening them. And after recalling them to charity and harmony, he said that it was not permissible for him, as a man, and one who was subject to the judgment of priests, to examine cases touching gods,

who cannot be judged save by God alone. And the petitions which he had received he put into the fire without even looking at them, fearing to give publicity to accusations and censures against the fathers, and thereby incur the curse of Cham, the undutiful son, who did not hide his father's shame. Wherefore he said, as is narrated in the writings of Nicholas the Roman pontiff, "Verily if with mine own eyes I had seen a priest of God, or any of those who wear the monastic garb, sinning, I would spread my cloak and hide him, that he might not be seen of any." Also Theodosius, the great emperor, for a merited fault, though not so grave a one, was suspended by the priest of Milan from the exercise of his regal powers and from the insignia of his imperial office, and patiently and solemnly he performed the penance for homicide which was laid upon him. Again, according to the testimony of the teacher of the gentiles, greater is he who blesses man than he who is blessed;[1] and so he in whose hands is the authority to confer a dignity excels in honor and the privileges of honor him upon whom the dignity itself is conferred. Further, by the reasoning of the law it is his right to refuse who has the power to grant, and he who can lawfully bestow can lawfully take away.[2] Did not Samuel pass sentence of deposition against Saul by reason of his disobedience, and supersede him on the pinnacle of kingly rule with the lowly son of Ysai?[3] But if one who has been appointed prince has performed duly and faithfully the ministry which he has undertaken, as great honor and reverence are to be shown to him as the head excels in honor all the members of the body. Now he performs his ministry faithfully when he is mindful of his true status, and remembers that he bears the person of the *universitas* of those subject to him; and when he is fully conscious that he owes his life not to himself and his own private ends, but to others, and

[1] Heb. vii, 7. [2] Dig., I. 17, § 3. [3] i. e. Jesse.

allots it to them accordingly, with duly ordered charity and affection. Therefore he owes the whole of himself to God, most of himself to his country, much to his relatives and friends, very little to foreigners, but still somewhat. He has duties to the very wise and the very foolish, to little children and to the aged. Supervision over these classes of persons is common to all in authority, both those who have care over spiritual things and those who exercise temporal jurisdiction. Wherefore Melchisedech, the earliest whom the Scripture introduces as both king and priest (to say nought at present concerning the mystery wherein he prefigures Christ, who was born in heaven without a mother and on earth without a father); of him, I say, we read that he had neither father nor mother, not because he was in fact without either, but because in the eyes of reason the kingly power and the priestly power are not born of flesh and blood, since in bestowing either, regard for ancestry ought not to prevail over merits and virtues, but only the wholesome wishes[4] of faithful subjects should prevail; and when anyone has ascended to the supreme exercise of either power, he ought wholly to forget the affections of flesh and blood, and do only that which is demanded by the safety and welfare of his subjects. And so let him be both father and husband to his subjects, or, if he has known some affection more tender still, let him employ that; let him desire to be loved rather than feared, and show himself to them as such a man that they will out of devotion prefer his life to their own, and regard his preservation and safety as a kind of public life; and then all things will prosper well for him, and a small bodyguard will, in case of need, prevail by their loyalty against innumerable adversaries. For love is strong as death; and the wedge[5] which is held together by strands of love is not easily broken.

[4] *Vota.*

[5] i. e., a military formation.

When the Dorians were about to fight against the Athenians they consulted the oracles regarding the outcome of the battle. The reply was that they would be victorious if they did not kill the king of the Athenians. When they went to war their soldiers were therefore enjoined above all else to care for the safety of the king. At that time the king of the Athenians was Codrus, who, learning of the response of the god and the precautions of the enemy, laid aside his royal garb and entered the camp of the enemy bearing faggots on his back. Men tried to bar his way and a disturbance arose in the course of which he was killed by a soldier whom he had struck with his pruning-hook. When the king's body was recognized, the Dorians returned home without fighting a battle. Thus the Athenians were delivered from the war by the valor of their leader, who offered himself up to death for the safety of his country. Likewise Ligurgus in his reign established decrees which confirmed the people in obedience to their princes, and the princes in just principles of government; he abolished the use of gold and silver, which are the material of all wickedness, he gave to the senate guardianship over the laws and to the people the power of recruiting the senate; he decreed that virgins should be given in marriage without a dowry to the end that men might make choice of wives and not of money; he desired the greatest honor to be bestowed upon old men in proportion to their age; and verily nowhere else on earth does old age enjoy a more honored station. Then, in order to give perpetuity to his laws, he bound the city by an oath to change nothing of his laws until he should return again. He thereupon set out for Crete and lived there in perpetual exile; and when he died, he ordered his bones to be thrown into the sea for fear that if they should be taken back to Lacedaemon, they might regard themselves as absolved from the obligation of their oath in the matter of changing the laws.

These examples I employ the more willingly because I find

that the Apostle Paul also used them in preaching to the Athenians. That excellent preacher sought to win entrance for Jesus Christ and Him crucified into their minds by showing from the example of many gentiles that deliverance had come through the ignominy of a cross. And he argued that this was not wont to happen save by the blood of just men and of those who bear the magistracy of a people. Carrying forward this line of thought, there could be found none sufficient to deliver all nations, to wit both Jews and gentiles, save One to whom all nations were given for His inheritance, and all the earth foreordained to be His possession. But this, he asserted, could be none other than the Son of the all-powerful Father, since none except God holds sway over all nations and all lands. While he preached in this manner the ignominy of the cross to the end that the folly of the gentiles might gradually be removed, he little by little bore upward the word of faith and the tongue of his preaching till it rose to the word of God, and God's wisdom, and finally to the very throne of the divine majesty, and then, lest the virtue of the gospel, because it has revealed itself under the infirmity of the flesh, might be held cheap by the obstinacy of the Jews and the folly of the gentiles, he explained to them the works of the Crucified One, which were further confirmed by the testimony of fame; since it was agreed among all that they could be done by none save God. But since fame frequently speaks untruth on opposite sides, fame itself was confirmed by the fact that His disciples were doing marvellous works; for at the shadow of a disciple those who were sick of any infirmity were healed. Why should I continue? The subtlety of Aristotle, the refinements of Crisippus, the snares of all the philosophers He confuted by rising from the dead.

How the Decii, Roman generals, devoted themselves to death for their armies, is a celebrated tale. Julius Cæsar also said, "A general who does not labor to be dear to his sol-

diers' hearts does not know how to furnish them with weapons; does not know that a general's humaneness to his troops takes the place of a host against the enemy." He never said to his soldiers, "Go thither," but always "Follow me"; he said this because toil which is shared by the leader always seems to the soldier to be less hard. We have also his authority for the opinion that bodily pleasure is to be avoided; for he said that if in war men's bodies are wounded with swords, in peace they are no less wounded with pleasures. He had perceived, conqueror of nations as he was, that pleasure cannot in any way be so easily conquered as by avoiding it, since he himself who had subdued many nations had been snared in the toils of Venus by a shameless woman.

CHAPTER IV

THAT IT IS ESTABLISHED BY AUTHORITY OF THE DIVINE LAW THAT THE PRINCE IS SUBJECT TO THE LAW AND TO JUSTICE.

But why do I thus resort to begging instances from the history of the gentiles, although they are at hand in countless numbers, seeing that men can be moved to deeds more directly by laws than by examples? That you may not, then, be of opinion that the prince is wholly absolved from the laws, hear the law which is enjoined upon princes by the Great King who is terrible over all the earth and who takes away the breath of princes:[1] "When thou art come," He says, "into the land which the Lord thy God shall give to thee, and shalt possess it and shalt dwell therein and shalt say, 'I will set over me a king such as all the nations that are round about me have over them'; thou shalt appoint him king over thee whom the Lord thy God shall choose from the number of thy brethren. Thou mayst not set over thee for thy king a man of another nation, who is not thy brother. And when he is made thy king, he shall not multiply the number of his horses, nor lead back the people into Egypt, made proud by the number of his horsemen; for the Lord hath enjoined upon thee that no more shalt thou return by that way. He shall not have many wives to turn away his heart, nor a great weight of silver and gold. And it shall be when he sitteth upon the throne of his kingdom that he shall write him a copy of this law of the Deuteronomy in a book, taken from the copy which is in the hands of the priests of the tribe of Levi, and he shall keep it with him and

[1] Deut. xvii, 14 ff.

read therein all the days of his life, that he may learn to fear the Lord his God and to keep His words and the rites of His worship which are prescribed in the law. And his heart shall not be lifted up in pride above his brethren, nor incline to the right hand nor to the left, to the end that his reign and his son's reign may be long over Israel." Need I ask whether one whom this law binds is restrained by no law? Surely this law is divine and cannot be broken with impunity. Every word thereof is a thunderclap in the ears of princes if they would be wise. I say nought concerning election, and the form thereof which is prescribed for the creation of a prince; rather attend with me for a little to the rule or formula of living which is enjoined upon him.

When there has been appointed, it is written, a man who professes himself a brother of the whole people in the practice of religion and in affection and charity, he shall not multiply unto himself horses, by the number whereof he may become a burden unto his subjects. For to multiply horses is to collect, from vainglory or some other error, more than need requires. Now "much" and "little," if we follow the prince of the Peripatetics, signify diminution or excess of the legitimate quantity of specific kinds of things. Will it then be lawful to multiply dogs, or rapacious birds, or fierce beasts, or any other monsters of nature, when even the number of horses, which are a military necessity and serve all the useful purposes of life, is thus strictly limited in advance to a lawful quantity? Concerning actors and mimes, buffoons and harlots, panders and other like human monsters, which the prince ought rather to exterminate entirely than to foster, there needed no mention to be made in the law; which indeed not only excludes all such abominations from the court of the prince, but totally banishes them from among the people of God. Under the name of horses is to be understood all things needful for the use of a household, and all its necessary equipment; of which a legitimate quantity is

that which necessity or utility reasonably requires, understanding, however, that the useful is identified with the honorable, and that the refined comfort of living is limited to honorable things. For philosophers have long ago agreed that no opinion is more pernicious than the opinion of those who distinguish the useful from the honorable; and that the truest and most useful view is that the honorable and the useful are convertible terms.[2] Plato, as is told in the histories of the gentiles, when he saw Dionisius the tyrant of Sicily surrounded by his bodyguards, asked him, "What harm have you done that you should need to have so many guards?" This in no wise behooves a prince who by the faithful performance of his duties so wins for himself the affection of all that for his sake every subject will expose his own head to imminent dangers in the same manner that by the promptings of nature the members of the body are wont to expose themselves for the protection of the head. And skin for skin, and all that a man has, he will put forward for the protection of his life.

The next commandment is, "He shall not lead back the people into Egypt, made proud by the number of his horsemen." Truly every precaution must be taken, and great diligence used, by all who are set in high place not to corrupt their inferiors by their example,[3] nor by their abuse of things, nor by following the way of pride and luxury to lead back the people into the darkness of confusion. For it often comes to pass that subjects imitate the vices of their superiors, because the people desire to be like their magistrates, and everyone will eagerly follow the appetites which he observes in another who occupies a distinguished station. There is a celebrated passage of the excellent versifier setting forth the opinion and words of the great Theodosius:

[2] Cicero, *De Officiis*, iii., 3, § 11.

[3] Cf. Jonas of Orleans, *De Inst. Reg.*, c. 3 (D'Achéry, *Spicilegium*, vol. i., p. 324).

"If thou dost bid and decree that aught is to be commonly observed,
First obey thy decree thyself; then the people will be more observ-
ant of that which is just
And not refuse to bear it when they see the author thereof himself
Obey his own command. The world is shaped
To the model of its king, nor are edicts as effective
To influence the feelings of men as is the ruler's way of life.
The fickle people changes ever with its prince." [4]

But the means of single individuals are of course never so great as the resources of the whole body. The individual draws from his own coffers, the ruling power drains the public chest or exhausts the treasury; and when this finally fails, then he has recourse to the means of private individuals. But private persons must be content with their own. And when this is exhausted, he who but now thirsted after the splendor of the rich and powerful, falls into poverty and disgrace, and blushes at the blackness of his confusion. Therefore by the decree of the Lacedemonians, a frugal use of the public funds was enjoined upon their rulers, although they were permitted to use according to the common laws their own inherited property and what they chanced to obtain by good fortune.

[4] Claud., *IV. Consul. Hon.*, 296-302. This passage is quoted in the same connection by George Buchanan, *"De Jure Regni apud Scotos,"* c. xxxvii.

CHAPTER V

THAT THE PRINCE SHOULD BE CHASTE AND AVOID AVARICE.

The law adds: "He shall not have many wives to turn away his heart." It was at one time permitted among the people of God that for the sake of propagating the race and increasing the number of the chosen people, each man might have several wives. The patriarchs come to mind as an example of this privilege, as when Sara used her right, to wit to the body of Abraham, in the womb of another, receiving from her husband a son Ismael through the service of her handmaiden. Jacob also, after a double marriage with two sisters, took unto himself their fertile handmaidens. And yet kings are now bound by the restraint of a perpetual prohibition, and are forbidden the embraces of several wives; and though in the case of other men it may have been lawful for several women to be the wife of one man, yet in the case of kings the rule always prevails of one wife for one husband. Shall it be lawful for him to fornicate or commit adultery or defilement with several when not even for the sake of multiplying the race or begetting an heir may he have to do with more than one wife? How shall the ruling power punish immorality and adultery or fornication in others if he is guilty of the same crimes?[1] Let no one bring forward the example of David by way of objection, who perchance in this as in so many other respects, enjoyed a special privilege; though for myself I should readily allow that herein he, too, sinned. Clearly his weakness for

[1] Cf. Hincmar of Rheims, *De Ordine Palatii*, c. vi.: "Qualiter alios corrigere poterit qui proprios mores ne iniqui sint non corrigit?"

women drew him into adultery by the way of treachery and homicide, nor will I labor to excuse a man who, when accused and condemned by the word of the prophet, confessed out of his own mouth that he was a man of death. You have the case of one king sinning like other kings; and would that they would repent as he repented, and confess their fault even as he confessed, and, making satisfaction as he did, return again into the way of life! Even the wisdom of Salomon was infatuated with the love of women.

The next commandment is that he shall not have a great weight of silver and gold. Let them go to, and, against the commandment of God, heap up for themselves a treasure of silver and gold, seeking gain from falsehood; and let them wring abundance from the poverty of others, riches from rapine, and found their own private prosperity on the calamity of many. But someone brings forward the wealth of Salomon as an objection. Granted; I do not say that the prince should not be wealthy, but that he should not be avaricious. Were not gold and silver cheap in the time of Salomon? They would not have been by any means so cheap if an immense mass of them, exceeding use, had been hoarded up for himself by a covetous king. By burying them in the ground, he could have effectually withdrawn them from use to the end that they might become dearer. In Petronius, Trimalchio tells a story of a craftsman who made vases of glass of such hardness that they could not be broken more easily than if of gold or silver. When he had once made a vessel of this kind of the purest glass, and worthy, as he thought, of Cæsar alone, he went to Cæsar with his gift, and was admitted. The beauty of the present was praised, the skill of the artificer was commended, and the devotion of the giver was accepted. But the craftsman, to turn the admiration of the onlookers into wonder, and to win for himself in fuller measure, as he expected, the favor of the emperor, asked Cæsar to hand him the vessel, and taking it,

hurled it violently to the pavement with such force that the most solid and hardest substance of bronze would not have remained unbroken. At this Cæsar was not more astounded than terrified. But the craftsman picked up the vessel from the ground, and it was not broken, but only dented, as if the appearance of glass had but covered the substance of bronze. Then, taking his little hammer from his bosom, he mended the fault skilfully and neatly, and, like a dented vase of bronze, repaired it with repeated blows. When he had completed this, he thought that he had Jupiter's own heaven in his grasp, because he supposed that he had merited the friendship of Cæsar and the admiration of all. But it fell out quite otherwise. For Cæsar inquired whether any other knew this composition of glass vessels. When he replied in the negative, the emperor ordered him to be beheaded at once, saying that if this process should come into common knowledge gold and silver would become as cheap as mud. Whether the story is true or not is doubtful, and there are diverse opinions regarding the act of Cæsar. But I for my part, without presuming to pass judgment on the view of wiser men, consider that the devotion of a most able craftsman was ill requited, and that it is a barren prospect for the human race when an excellent art is wiped out in order that money and the material of money, which is the fuel of avarice, the food of death, and the cause of battles and quarrels, may be held in high value, which it would have in any event without effort on the part of the man, since without value there could be no money, which is but the measure of value.[2]

"Price is the thing now prized; it is a man's census-rating which brings him honors,
Which brings him friends; the poor man is everywhere trampled on." [3]

[2] This is Webb's interpretation. [3] Ov., *Fasti*, i, 217–218.

To far better advantage have certain peoples sought to banish utterly from their public business this subject-matter of disputes and litigation, this cause of hatred, to the end that the cause being removed the resulting ill-will and its consequences might disappear; such is the enactment of Ligurgus among the Lacedemonians, and such, in ancient Greece, which now is a part of Italy, was the teaching of Pitagoras of Samos, who by the durability and goodness of his constitutions is traditionally reported to have well served all Italy. Would that gold along with silver might become cheap, since the only really valid kind of value is that of the things whose usefulness is recommended by nature, the best guide of life. Then the poor man will not be trampled on, nor the rich man honored solely on account of his money, but each will be held dear or cheap on the strength only of his own endowments. Further, some things derive their value from themselves intrinsically, other things from the opinion of others. Thus bread and victuals, which consist of necessary foodstuffs or clothing, are regarded as valuable everywhere throughout the earth by the dictates of nature. Things which please the senses are naturally valued by all. Why should I elaborate? The things which derive their value from nature are not only everywhere the same, but are held in esteem among all peoples; those which depend upon opinion are uncertain; and as they come with fancy, so they disappear when the fancy passes. The emperor therefore had no need to fear that the material of commercial dealings would become lacking, since buying and selling are common even among those peoples who are not acquainted with the use of money. I know that Salomon was a man of such wisdom that he at least would never have feared lest gold and silver might become cheap for his posterity, whose nature he saw was of a hungry kind, and thirsted chiefly after nothing so much as money. Wherefore, through inspired wisdom, that excellent king despised utterly this rust, and by his example invited those who came after him

to share his contempt for money. Of course it is advantageous for a king to be wealthy provided he looks upon his wealth as belonging to the people. He will therefore not regard as his own the wealth of which he has the custody for the account of others, nor will he treat as private the property of the fisc, which is acknowledged to be public. Nor is this any ground for wonder since he is not even his own man, but belongs wholly to his subjects.

CHAPTER VI

THAT HE SHOULD HAVE THE LAW OF GOD EVER BEFORE HIS MIND AND EYES, AND SHOULD BE LEARNED IN LETTERS, AND SHOULD BE GUIDED BY THE COUNSEL OF MEN OF LETTERS.

"And it shall be when he sitteth upon the throne of his kingdom that he shall write him a copy of this law of the Deuteronomy in a book." Observe that the prince must not be ignorant of the law, and, though he enjoys many privileges, he is not permitted, on the pretext that his duties are military, to be ignorant of the law of God. He shall therefore write the law of the Deuteronomy, that is to say the second law, in the book of his heart; it being understood that the first law is that which is embodied in the letter; the second, that which the mystical insight learns from the first. For the first could be inscribed on tablets of stone; but the second is imprinted only on the purer intelligence of the mind. And rightly is the Deuteronomy inscribed in a book in the sense that the prince turns over in his mind the meaning of this law so that its letter never recedes from before his eyes. And thus he holds the letter firm, without permitting it in any wise to vary from the purity of the inner meaning. For the letter killeth, but the spirit giveth life, and it rests in his hands to give a mediating interpretation of human law and equity which must be at once necessary and general.

"Taken from the copy," says the scripture, "which is in the hands of the priests of the tribe of Levi." And rightly so. Every censure imposed by law is vain if it does not bear the stamp of the divine law; and a statute or ordinance of the

prince is a thing of nought if not in conformity with the teaching of the Church. This did not escape the notice of that most Christian prince,[1] who required of his laws that they should not disdain to imitate the sacred canons. And not only are men enjoined to take priests as models for imitation, but the prince is expressly sent to the tribe of Levi to borrow of them. For lawful priests are to be hearkened to in such fashion that the just man shall close his ear utterly to reprobates and all who speak evil against them. But who are priests of the tribe of Levi? Those, namely, who without the incentive of avarice, without the motive of ambition, without affection of flesh and blood, have been introduced into the Church by the law. And not the law of the letter, which mortifieth, but the law of the spirit, which in holiness of mind, cleanness of body, purity of faith and works of charity, giveth life. And as the old law of the shadow, which presented all things figuratively, foreordained to the priesthood the members of a special family of flesh and blood; so after the shadows ceased, and the Truth was revealed, and justice looked forth from heaven, those who were commended by the merit of their life and the fragrance of their good reputation, and whom the united will of the faithful or the diligent foresight of prelates caused to be set apart for the work of the ministry, were enrolled by the spirit into the tribe of Levi, and were instituted lawful priests.

It is added: "He shall keep it with him and read therein all the days of his life." Observe how great should be the diligence of the prince in keeping the law of God. He is enjoined always to have it, read it, and turn it over in his mind, even as the King of kings, born of woman, born under the law, fulfilled the whole justice of the law, though He was subject to it not of necessity but of His own free will; because His will was embodied in the law, and on the law of God He meditated day and

[1] i. e. Justinian.

night. But it may be thought that in this respect He is not a model for imitation, seeing that He embraced not the glory of kings but the poverty of the faithful, and, putting on servile form, sought on earth no place to lay His head; and, when asked by His judge, confessed that His kingdom was not of this world. If so, other examples may be found of famous kings whose memory is blessed. From the tents of Israel let David, Ezechias and Josias come forth, and the others who thought that the glory of their kingship consisted in this alone, that seeking the glory of God they subjected themselves and their subjects to the bonds of the divine law. And lest perchance these examples appear too remote, and the less to be followed because we seem to have departed somewhat from their law and ritual and religious worship and profession of faith (though our faith and theirs are in fact the same, with only this difference, that what they looked forward to in expectation of the future, we now in great measure enjoy and worship as fulfilled, casting aside the shadows of figures since the Truth has risen from the earth and stands revealed in the sight of the gentiles); yet, as I say, lest their examples be scorned as alien and profane, our own Constantine, Theodosius, Justinian, Leo and other most Christian princes, afford instruction for the Christian prince. For they took especial pains to the end that the most sacred laws, which are binding upon the lives of all, should be known and kept by all, and that none should be ignorant thereof, save in cases where the damage due to the error was compensated by some public advantage or where the edge of the law's severity was mitigated by compassion for age or for the weakness of sex. Their deeds are so many incentives to virtue; their words so many lessons in morals. Finally, their life, with its record of vices subdued and made captive, is like an arch of triumph consecrated to posterity, which they erected and inscribed with the list of their splendid virtues, declaring in every part with devout humility that not our hands, but the hand of God,

wrought all these our wondrous works. Constantine, for founding and endowing the Roman church, to say nought of his other excellent deeds, is honored with perpetual benediction. What manner of men Justinian and Leo were is clear from the fact that by disclosing and proclaiming the most sacred laws, they sought to consecrate the whole world as a temple of justice. What shall I say of Theodosius, whom these emperors regarded as a model of virtue, and whom the Church of God has revered not only as an emperor but as a high priest, because of his character, venerable for piety and justice, and his patient humility toward priests, holding himself in low esteem beside them? How patiently he who had himself given laws bore the sentence of the priest of Milan! And, lest you should falsely conceive that that sentence was the light one of a weak and cowardly presbyter accustomed to show complacency toward princes, know that the emperor was suspended from the exercise of his royal rights, was excluded from the church, and was compelled to fulfil a solemn penance. What was it that subjected him to such a necessity? Nought save his own will, which was wholly subjected to the justice of God, and obedient in all respects to His law. And unless you hold in contempt that which is written with the levity of a poet, you will find briefly in Claudius Claudian, in the instructions which the emperor wrote for his son, how high a place he attained in the sanctuary of morals.

To return to the words of the law which I have set forth, when I revolve them in my own mind, each and every one of them seems weighty and strikes upon the mind as if impregnated with the spirit of discernment. "He shall keep the law beside him," it is written, taking care that when he needs to have it, he may not have it against him to his own damnation. For men of might will suffer mighty torments. And it is added, "And he shall read it." It is of little profit to have the law in one's wallet if it is not faithfully treasured in the soul. Therefore it is to be read all the days of his life. From which it is

crystal clear how necessary is a knowledge of letters to princes who are thus commanded to turn over the law of God in daily reading. And perchance you will not often find that priests are bidden to read the law daily. But the prince is to read it daily, and all the days of his life; because the day on which he does not read the law is for him a day not of life but of death. But plainly he will hardly be able to do this if he is illiterate. Wherefore in the letter which I remember that the king of the Romans sent to the king of the Franks, urging him to have his children educated in liberal studies,[2] he added tastefully to his other arguments that an illiterate king is like an ass who wears a crown. If, nevertheless, out of consideration for other distinguished virtues, it should chance that the prince is illiterate, it is needful that he take counsel of men of letters if his affairs are to prosper rightly. Therefore let him have at his side men like the prophet Nathan, and the priest Sadoch, and the faithful sons of the prophets, who will not suffer him to turn aside from the law of God; and since his own eyes do not bring it before his mind, let these men, the scholars, make a way for it with their tongues into the opening of his ears. Thus let the mind of the prince read through the medium of the priest's tongue, and whatever of excellence he sees in their lives, let him revere it as the law of the Lord. For the life and tongue of priests are like a book of life before the face of peoples. Perchance this is what is meant when he is bidden to take a copy of the law from the priests of the tribe of Levi; namely, that in accordance with their preaching should the ruling power guide the government of the magistracy committed to him. Nor is he altogether destitute of reading who, although he does not read himself, yet hears faithfully what is read to him by others. But if he does neither, how shall he, thus scorning the precept, fulfil faithfully what the precept enjoins? For the attainment

[2] Conrad III to Louis VII.

of wisdom is the union and concourse of all desirable things. Did not Tholomeus think that something was still lacking to the sum of his happiness until, summoning seventy interpreters, although he was a gentile, he had communicated the law of God to the Greeks? It makes no difference whether the interpreters were enclosed in the same room and conferred therein together, or whether they prophesied separately, so long as it is established that the king, anxious in pursuit of the truth, caused the law of God to be translated into Greek. In the Attic Nights I remember to have read when the notable traits and habits of Philip of Macedon were treated, that among other things his love of letters colored as it were the business of war and the triumphs of victory, the liberality of his table, the offices of humanity and whatever he did or said gracefully or elegantly. He recognized that in this quality he excelled others, and was anxious to transmit it as the basis of his inheritance to the only son who he hoped would be the heir of his kingdom and good fortune. For this reason he thought fit to write his famous letter to Aristotle, who he hoped would become the teacher of the newly born Alexander. It is substantially in the following words: "Philip sends greetings to Aristotle. Know that a son has been born to me, for which I give thanks to the Gods not more because he has been born than because his birth has chanced in your life-time. For I hope that it will come to pass that, educated and trained by you, he will grow up worthy of ourselves and of taking over such great affairs." [3] I do not remember that the Roman emperors or commanders, so long as their commonwealth flourished, were illiterate. And I do not know how it chances, but since the merit of letters has languished among princes, the strength of their military arm has become enfeebled and the princely power itself has been as it were cut off at the root. But no wonder, since without wisdom no

[3] Aulus Gellius, ix, 3.

government can be strong enough to endure or even to exist. Socrates, who was pronounced by the oracle of Apollo to be the wisest of men, and who without contradiction excelled incomparably, not only in reputation for wisdom but also in virtue, those who are called the seven sages, asserted that commonwealths would only be happy if they were governed by philosophers or if their rulers at least became students and lovers of wisdom. And (if you hold the authority of Socrates of small account), "Through me," says Wisdom, "kings reign and the establishers of laws decree that which is just; I love them that love me, and they that watch for me in the morning shall find me; with me are wealth and glory, proud riches and justice; better is my fruit than gold and precious stones, my increase than choice silver; I walk in the ways of justice, in the midst of the paths of judgment, that I may enrich them that love me and that I may fill their treasuries." [4] And again, "Counsel is mine and equity, mine is prudence, mine is fortitude." [5] And elsewhere, "Receive my instruction and not money, choose knowledge rather than gold. For wisdom is better than all the most precious riches, and every object of desire is not to be compared with it." [6] While the gentiles thought that nothing should be done without the command of divinities, yet one they worshipped as the god of gods and prince of them all, namely wisdom, as being in authority over all else. Wherefore the ancient philosophers thought fit that the likeness of wisdom should be depicted before the doors of all temples and that these words should be inscribed thereon:

> I am begotten by experience, born of memory;
> "Sophia" the Greeks call me, you "Sapientia." [7]

And these words likewise: "I hate foolish men and idle works and philosophic commonplaces." And surely the fiction was

[4] Prov. viii, 15, 21. [5] Prov. viii, 14.
[6] Prov. viii, 10–11. [7] Quoted from Afranius by Gellius, xiii, 8.

aptly conceived, although they did not know the Truth in its fulness; yet they closely approached thereto, regarding wisdom as the guide and head of all things rightly done, since it truly boasts that in every nation and people from the beginning it has held the primacy, treading under foot by its own inherent power the necks of the haughty and the proud. Salomon also confesses that he had loved it beyond his own salvation and above all fair things, and that in its company all good things had been added unto him.

CHAPTER VII

THAT HE SHOULD BE TAUGHT THE FEAR OF GOD, AND SHOULD BE HUMBLE, AND SO MAINTAIN HIS HUMILITY THAT THE AUTHORITY OF THE PRINCE MAY NOT BE DIMINISHED; AND THAT SOME PRECEPTS ARE FLEXIBLE, OTHERS INFLEXIBLE.

The next commandment is that he shall learn to fear the Lord his God, and to keep God's words which are prescribed in the law. The law itself adds the reason for keeping its precepts,—"To the end that he may learn," it says. For the diligent reader of the law is a pupil, not a master; he does not twist the law captive to his own inclination, but accommodates his inclinations to its intention and purity. But what does such a pupil learn? Above all, to fear the Lord his God. Rightly so, because it is wisdom which institutes and strengthens the government of a prince; and the beginning of wisdom is fear of the Lord. He therefore who does not begin with the first step of fear aspires in vain to the pinnacle of legitimate princely rule. I say legitimate; for of certain rulers who are cast down while they are exalted, and are worthy of a yet more miserable fate, it is written: "They have reigned, and not by me; princes have arisen and I knew it not";[1] and elsewhere, "They that handle the law have not known wisdom."[2] Therefore let the prince fear God, and by prompt humility of mind and pious display of works show himself His servant. For a lord is the lord of a servant. And the prince is the Lord's servant, and performs his service by serving faithfully his fellow-servants, namely his

[1] Hos., viii, 4. [2] Jer., ii, 8.

subjects. But let him know also that his Lord is God, to whom is to be shown not alone fear of His majesty, but also pious love. For He is also a father, and one to whom as a result of His merits no creature of His can deny affection and love. "If I am Lord," He says, "where is my fear? If I am father, where is my love?" [3] Also the words of the law are to be kept, which, commencing with the first timid step of fear, mounts upward through the virtues as upon a rising stair with happy ascent. "Love of Him," He says, "is the guardian of His laws" [4] because all wisdom is fear of God. Further: "Who fears God will do good works, and who is faithful unto justice will apprehend her, and she will come forth to meet him as an honored mother." [5]

What are the words which are to be kept with such diligence? First of all the precepts of the law, so that through the prince no jot or tittle of the law shall fall to earth, because he shall make no exception in favor of his own hands or the hands of his subjects.

Now there are certain precepts of the law which have a perpetual necessity, having the force of law among all nations and which absolutely cannot be broken with impunity. Before the law, under the law, and still under the new covenant of grace, there is one law which is binding upon all men alike: "What thou wouldst not should be done unto thee, do thou not unto another"; and "what thou wouldst should be done unto thee, do that unto others." Let the whitewashers of rulers now come forward, and let them whisper, or if this is too little, let them trumpet abroad that the prince is not subject to the law, and that whatsoever is his will and pleasure, not merely in establishing law according to the model of equity, but absolutely and free from all restrictions, has the force of law. Let them thus, if they so desire and dare, make of their king, whom they except

[3] Mac., i, 6. [4] Wis., vi, 19. [5] Eccli., xv, 1, 2.

from the obligations of the law, a very outlaw, and still I will maintain not merely in the teeth of their denials but in the teeth of all the world, that kings are bound by this law. For He who neither deceives nor is deceived says, "By what judgment ye judge, ye shall yourselves be judged."[6] And surely the heaviest judgment that could be passed upon these rulers would be to have their own good measure, pressed down, shaken together, and running over, poured back into their own bosoms. And not only do I withdraw from the hands of rulers the power of dispensing with the law, but in my opinion those laws which carry a perpetual injunction or prohibition are not subject at all to their pleasure. In the case of those rules which are flexible, I admit a power of dispensing with verbal strictness; but only provided that the purpose of the law is preserved in its integrity by a compensating concession made to propriety or public utility.

"And his heart shall not be lifted up," it is written, "in haughtiness above his brethren." This commandment, which is especially needful, is several times repeated, because humility never sufficiently commends itself to princes, and it is very difficult for success in ascending the ladder of honor not to produce inflation in the mind of a man without prudence. But God sets Himself against the proud beyond all others, and bestows His grace upon the humble. Therefore the prudent king prays that pride may not set its foot in his path because those that work iniquity have tripped thereon and have been driven forth and could not stand fast. Let him therefore not be haughty above his brethren; but remembering that they are his brethren, show brotherly affection to all his subjects. It is an admonition of prudence to princes to cultivate humility as well as discretion and charity, since without these qualities it is altogether impossible for the government of a prince to en-

[6] Matt., vii, 2.

dure. Whoever therefore loves the height of his own elevation should with the greatest diligence maintain the utmost humility in his life and manners. For whoever falls away from the works of humility, falls from the pinnacle of his honors with all his inflated weight. It is an everlasting and abiding rule that he who humbles himself shall be exalted, and, vice versa, he who exalts himself shall be brought low. Pride made Tarquin the last king of the Romans, and put in his place magistrates who were more useful because of their humility. What man of pride have you ever read of whose reign was longer? History is filled with those who fell because of their pride. But he should not avoid pride to the point of falling into contempt; abjectness is to be avoided as much as haughtiness. Wherefore the Roman law cautions those who administer justice to make themselves easy of access but not to bring themselves into contempt; and the provision is added to the commissions of governors of provinces that they shall not admit provincials to undue familiarity, because association on an equal footing tends to produce contempt for a man's dignity. Let him therefore in public preserve respect for the majesty of the people and at home observe the fit measure of his private station.

This is the precept contained in the writings of the ancient philosophers. A father and son once came to Athens to see and make the acquaintance of the philosopher Taurus. The son was governor of the province of Crete, but the father was a private citizen. Taurus quietly rose to greet them as they approached, and sat down again after their mutual salutation. A single chair which stood nearby was brought, and was placed while others were sent for. Taurus invited the father of the governor to sit down. But he declined, saying, "Rather let him be seated who is a magistrate of the Roman people." "Without prejudice to our decision," said Taurus to him, "do you sit down while we examine which is the more proper, whether you should rather be seated because you are his father, or he be-

cause he bears a magistracy of the Roman people" When the father had taken the seat and another chair was placed for the son, Taurus discussed the question before those who had gathered about, weighing with the greatest care the respective claims of fairness, justice, public station, and official duty. The substance of his words was this. In public places and functions, the rights of fathers as compared with those of sons who hold public office and power become dormant. But when, outside the sphere of public affairs, it is a question of sitting, walking, or reclining at a friendly banquet in private life, then as between a son who is a magistrate and a father who is a private citizen, public honors cease and the claims of nature and birth revive. "Your coming to me," said Taurus, "and our talking together at this present time and discussing the question of duties, is a private act. Therefore you as a father are entitled to the same precedence and respect as it is proper for you to enjoy in your own home."

I think that magistrates generally should be urged that in the splendor of their public dignity they should be mindful of their condition as private men, and at the same time should so regard their private station as not to bring disgrace upon the honor of their public office; each should maintain the honor conferred on him without derogating from the dignity of others, and should so value his private dignity as not to bring insult or harm upon the public power.

CHAPTER VIII

THAT THE PRINCE SHOULD EFFECT A RECONCILIATION OF JUSTICE WITH MERCY, AND SHOULD SO TEMPER AND COMBINE THE TWO AS TO PROMOTE THE ADVANTAGE OF THE COMMONWEALTH.

It should hold true of the prince, as it should hold true of all men, that no one should seek his own interest but that of others. Yet the measure of the affection with which he should embrace his subjects like brethren in the arms of charity must be kept within the bounds of moderation. For his love of his brethren should not prevent him from correcting their errors with proper medicine; he acknowledges the ties of flesh and blood to the end that he may subdue these to the rule of the spirit. It is the practice of physicians when they cannot heal a disease with poultices and mild medicines to apply stronger remedies such as fire or steel. But they never employ these unless they despair of restoring health by milder means, and so the ruling power when it cannot avail by mild measures to heal the vices of its subjects, rightly resorts, though with grief, to the infliction of sharp punishments, and with pious cruelty vents its rage against wrong-doers to the end that good men may be preserved uninjured. But who was ever strong enough to amputate the members of his own body without grief and pain? Therefore the prince grieves when called upon to inflict the punishment which guilt demands, and yet administers it with reluctant right hand. For the prince has no left hand, and in subjecting to pain the members of the body of which he is the head, he

obeys the law in sadness and with groans. Philip once heard that a certain Phicias, who was a good fighting man, had become alienated from him because in his poverty he found difficulty in supporting his three daughters and yet received no aid from the king. When his friends advised him accordingly to beware of the man, "What," said Philip, "if a part of my body were sick, would I cut it off rather than seek to heal it?" Then he sought out this Phicias privately in a friendly way, and provided him with sufficient money which he accepted for the necessities of his private difficulties. And thereby the king made this man better disposed toward him and more faithful than he had been before he supposed himself offended. Accordingly, as Lucius says: "A prince should have an old man's habit of mind, who follows moderate counsels, and should play the part of a physician, who heals diseases sometimes by reducing the diet of the overfed, and again by increasing that of the under-nourished, who allays pain at times by cautery, and at other times by poultices." In addition, he should be affable of speech, and generous in conferring benefits, and in his manners he should preserve the dignity of his authority unimpaired. A pleasant address and a gracious tongue will win for him the reputation of benignity. Kindness will compel the most faithful and constant love from even the sternest, and will increase and confirm the love which it has produced. And the reverence of subjects is the fit reward of dignity of manners.

Excellently did Trajan, the best of the pagan emperors, answer his friends when they reproached him with making himself too common toward all men and more so, they thought, than was becoming for an emperor; for he said that he desired to be toward private citizens such an emperor as he had desired to have over him when he was a private citizen himself. And in accordance with this principle, acting on the report of the younger Pliny who at that time with other judges was designated to persecute the Church, he recalled the sword of persecution

from the slaughter of the martyrs and moderated his edict. And perchance he would have dealt more gently still with the faithful, had not the laws and examples of his predecessors, and the advice of men who were considered wise counsellors, and the authority of his judges, all urged him to destroy a sect regarded by public opinion [1] as superstitious, and as enemies of true religion. I do not unreservedly and in all respects commend the judgment of a man who knew not Christ, yet I do extenuate the fault of him who broke loose from the pressure of others and followed the instinct of his own natural piety toward kindness and pity, a man whose nature it was to be merciful toward all, though stern toward the few whom it would be sinful to spare; so that in the course of his whole reign only one of the senators or nobles of the city was condemned, although a great number could have been found who had offended grievously against him. And this man was condemned by the senate without the knowledge of Trajan himself. For it was his habit to say that a man is insane who, having inflamed eyes, prefers to dig them out rather than to cure them. So again he said that the nails, if they are too sharp, should be trimmed and not plucked out. For if a cithern player and other performers on stringed instruments can by diligence find a way to correct the fault of a string which is out of tune and bring it again into accord with the other strings, and so out of discord make the sweetest harmony, not by breaking the strings but by making them tense or slack in due proportions; with how much care should the prince moderate his acts, now with the strictness of justice, and now with the leniency of mercy, to the end that he may make his subjects all be of one mind in one house, and thus as it were out of discordant dispositions bring to pass one great perfect harmony in the service of peace and in the works of charity? This, however, is certain, that it is safer for the cords to be relaxed than

[1] "Opinio publica,"—the expression is noteworthy.

to be stretched too tautly. For the tension of slack cords can be corrected by the skill of the artificer so that they will again give forth the proper sweetness of tone; but a string that has once been broken, no artificer can repair. Further, if a sound is asked of them which they do not have, they are stretched in vain, and more often come speedily to nought than to what is improperly asked. As the ethical writer says:

> The true prince is slow to punish, swift to reward,
> And grieves whenever he is compelled to be severe.[2]

For while justice is one thing and godliness another, still both are so necessary to the prince that whoever without them attains, not necessarily to princely power, but even to any magistracy whatever, mocks himself in vain but will surely provoke against himself the mockery and scorn and hatred of others. "Let not kindness and truth," saith the Lord, "forsake thee, bind them about thy neck, and write them on the tablet of thy heart; so shalt thou find favor and obedience in the sight of God and men."[3] For kindness deserves favor, justice deserves obedience. The favor and love of one's subjects, which are brought to pass by divine favor, are the most effective instrument of all accomplishments. But love without obedience is of no avail, because when the spur of justice ceases, then the people relax into unlawful courses. Therefore he must ceaselessly meditate wisdom, that by its aid he may do justice, without the law of mercy being ever absent from his tongue; and so temper mercy with the strictness of justice that his tongue speaks nought save judgment. For his office transmutes his justice into judgment continually and of necessity because he may never lawfully repose therefrom without thereby divesting himself of the honor that has been conferred on him. For the honor of a king delights in judgment and represses the faults of offenders with tranquil moderation of mind.

[2] Ovid, *Pont.*, i, 2, lines 123-24.

[3] Proverbs, iii, 3, 4.

The moderation of magistrates is said to have been the subject of a book written by Plutarch, entitled Archigramaton; and he is also said by word and example to have instructed the magistrates of his own city in forbearance and the practice of justice. Another story is told of him to the effect that he had a slave, a worthless and stubborn fellow, but well trained in liberal studies, and much practised in philosophic disputations. It happened that for some fault, I know not what, Plutarch ordered him to have his tunic taken off and be flogged. He had already begun to be struck sharply with the lash, but still denied the fault, saying that he had done nothing wrong, that he had committed no offence, and insisted that for his many faithful services he did not deserve to be thus beaten. Finally, when he found it all to no avail, he commenced to cry aloud, and in the midst of the flogging broke out, not into complaints and groans, but into words of serious reproach; Plutarch was not acting, he said, as befitted a philosopher; it was disgraceful to give way to anger, especially for a man who had often discoursed on the wrongfulness of anger and had written a fine book on forbearance. He added that it was shameful for him now to contradict his own doctrine by his acts, and, lapsing into inconsistency, to fly off into a rage and punish an innocent man with many blows. At this Plutarch, speaking gently and slowly and with the greatest seriousness, asked the man, "Do I seem to you to be angry for the simple reason that you are receiving a flogging? Is it a sign of anger on my part if you are getting from me that which is your due? Can you perceive from my face or voice or complexion, or even from my words, that I am in the grip of anger? I do not believe that my eyes look fierce or my face passionate, I am not shouting immoderately, nor am I hot or red or perspiring, I am speaking no words for a man to be ashamed of, or any that I ought to repent, nor am I trembling with rage or gesticulating. These, if you do not know it, are the usual signs of anger." And then turning to the man who

was administering the blows, he said: "While I and this man dispute, go on with your work; and, without sharing my anger, pound out his slavish obstinacy, and teach him to repent of his wrong-doing instead of thus disputing." Thus Plutarch. Wherein remains much matter of instruction for all who are in high place.

CHAPTER IX

WHAT THE MEANING IS OF INCLINING TO THE RIGHT HAND OR THE LEFT, WHICH IS FORBIDDEN TO THE PRINCE.

The next commandment is, "He shall not incline to the right hand nor to the left." To incline to the right hand signifies to insist too enthusiastically on the virtues themselves. To incline to the right is to exceed the bounds of moderation in the works of virtue, the essence of which is moderation. For truly all enthusiasm is the foe of salvation and all excess is a fault; nothing is worse than the immoderate practice of good works. Wherefore the heathen author says:

"The wise man will get the name of mad, the just man of being unjust,
If he pursue virtue itself beyond the measure of what is sufficient." [1]

And the philosopher warns us to avoid excess; for if a man depart from this caution and moderation, he will in his lack of caution forsake the path of virtue itself. Salomon, too, says, "Be not too just." [2] What excess can then be of any profit, if justice herself, the queen of the virtues, is hurtful in excess? And elsewhere to the same effect: "Excessive humility is the highest degree of pride." To incline to the left means to slip or deviate from the way of virtue down the precipices of the vices. Therefore one turns aside to the left who is too ready to punish his subjects, and take revenge on them for their faults; on the

[1] Hor., *Ep.*, i., 6, ll. 15, 16. [2] Eccles., vii, 17.

other hand, he deviates to the right who is too indulgent to offenders out of excess of kindness. Both roads lead away from the true path; but that which inclines toward the left is the more harmful.

CHAPTER X

OF THE ADVANTAGE WHICH PRINCES MAY DRAW FROM THE PRACTICE OF JUSTICE.

But is there any advantage in thus keeping the law? The language of the prophet supplies it forthwith,—to the end "that his reign, and the reign of his son, may be long over Israel." Behold, the reward of so difficult a task is the transmission of hereditary kingship from father to son over a long period. For the virtue of the parents will prolong the succession of the children, while the good fortune of later generations will be cut off at the root by the wickedness of their predecessors. For it is certain from the testimony of the Holy Spirit that the unjust shall perish together, and the heirs of the ungodly shall be cut off.[1] But the salvation of the just is from God, who protects them in the time of their tribulation. But since the eternity of time as a whole, however great it is, runs out by the minutest moments, and within the whole nought save an extremely brief moment ever subsists, what can be long therein, since all these moments together, if they might be collected into one, would still not fill the place of a point in comparison with the true eternity, because after all there can be no comparison of things finite with infinite? In the opinion of many, there is a proportion or ratio, though a small one, between the center and the periphery or circumference; but between time and eternity there can be none. What then can be long within that which as a whole is short? Or what blessedness in time will seem long to the faithful and everlasting soul if it must yet lack

[1] Ps. xxxvii, 38–39.

a still further measure of time? My own opinion, speaking, however, without prejudice to better, is that in the passage in question "a long reign" means a reign for the life-time of the unfailing soul who will be crowned with the glory of eternal blessedness for a kingdom well administered. For since it is certain that God will reward the works of each and all in overflowing mercy and in the fulness of justice, whom will He look upon with a more searching eye than those who either train all men to justice, or else on the other hand have drawn others down with them to destruction and death? And even as the mighty shall suffer mighty torments, so likewise they shall rejoice more fully in the rewards of justice if they have rightly employed their power; and in the life to come will surpass their subjects in glory, in proportion as they have surpassed them in virtue because of the greater opportunity which they have to sin. "It was within his power to transgress," says the Scripture, "and he transgressed not; to do ill, and he did not; therefore his good works are established in the Lord." [2] For it is imputed as justice to princes that they merely refrain from wrong-doing; and their plentiful opportunity to sin is for them a subject-matter of merit. To turn away from evil is a great thing in princes, even though they do no great good, provided they do not ruin their subjects by tolerating and indulging evil. Is it not a great thing that a continuance of the visible happiness which they enjoy here on earth is promised to them provided they shall have acted rightly? Some say that it is impossible both to prosper in this life after the way of the world and also to attain eternal joy with Christ; and the opinion is a true one if among the prizes of worldly success you include pandering to the vices. And yet it is truly within the power of kings to prosper here and at one and the same time pluck both

[2] Eccli. xxxi, 10, 11.

the sweetest flowers of the world and the most precious fruits of eternity. For what happier fortune is there than if princes are translated from riches to riches, from delights to delights, from glory to glory, from things temporal to things eternal?

CHAPTER XI

OF ANOTHER REWARD OF PRINCES.

Nor do I disregard the promise which is made prima facie by the letter of the law when it promises a long reign to the father and holds out the prospect of succeeding him to his children, who are to be heirs, not merely of his temporal kingdom, but also of eternal blessedness. For I know that the law was speaking to a carnal people, who having as yet a heart of stone and being uncircumcised of mind if not of the flesh, were still for the most part ignorant of eternal life, and set chief store by having the good things of the earth either given or promised them for their bodily subsistence. And so to the carnally minded a carnal promise was given, and a long duration of time was promised to those who had not yet conceived the hope of eternal blessedness; and the prospect of a temporal kingdom with succession from father to son was held out to men who as yet did not seek an eternal one. And so, temporally, the father is succeeded by the son, if the latter imitates the father's justice. "Remove ungodliness," says Salomon, "from the face of a king, and his throne shall be established in justice." [1] For if ungodliness departs from his countenance, that is to say from his will, all his acts of rulership will be guided aright by the met-wand of equity and by the practice of justice. Whence the saying that, "A king that sitteth on the throne of judgment putteth all evil to flight by his look." [2] Lo, how great a privilege do princes enjoy, for whom the glory of reigning is thus made

[1] Prov. xxv, 5. [2] Prov. xx, 8.

perpetual in their flesh and blood, to say nought of eternal blessedness! God glories that He has found a man after His own heart, and when He has exalted him to the pinnacle of kingly power, promises to him kingship everlasting in the line of his sons who shall succeed him. "Of the fruit of thy body," he says, "will I set upon thy throne"; and "If thy children keep my commandments which I have given, and my testimonies which I shall teach them through myself or my deputies, they and their children shall sit upon thy throne";[3] and "I will make his seed to endure forever and his throne as the day of heaven. But if his children forsake my law and walk not in mine ordinances, if they profane my decrees and keep not my commandments, then will I visit their iniquities with a rod,"[4] thus signifying that kingly power shall be transferred from one family to another, and that those heirs after the flesh who are seen to be of carnal breed shall be destroyed, and the succession transferred to those who are found to be the heirs of faith and justice. And herein the truth of the promise endures, and the words which have issued from the mouth of the Most High remain in force, to the effect, namely, that to the seed of just kings the succession of the faithful remains everlastingly. It also, I think, holds perpetually true to the letter that parents will be succeeded by their children if these shall have faithfully imitated them in following the commandments of the Lord (to say nought at present concerning Christ, who, being of the seed of David according to the flesh, is King of kings and Lord of all who rule). So that even if, all things being rightly ordered and remaining so, there seems to be no care or any task at all left for a ruler to perform, still, it is a settled fact that those who have once taken a prince to rule over them shall never be without a successor of his seed, although for no other reason than to preserve the honor and renown of his blood.

[3] Ps. cxxxii, 11 ff.

[4] Ps. lxxxix, 29.

And this is shown by examples drawn from the books of history. For it is told how, when the great Alexander had reached the farthest shore of Ocean, he made ready to vanquish the isle of the Bragmanni. They despatched to him thereupon a letter couched in these terms: "We have heard, most unconquered king, of your battles, and that the good fortune of victory has everywhere followed them. But wherewith will a man be satisfied who is not satisfied with the whole world? We have no riches, whereof the desire might entitle you to attack us; all our goods are common to all. Food is our only wealth, and instead of having ornaments of gold, our raiment is poor and scanty. Our women are not decked out to please; devotion to ornaments they despise as rather a fault than a merit. They know not how to increase their beauty or to pretend to more than that wherewith they were born. Caves serve us for two purposes, for a shelter in life and for a tomb in death. We have a king not for the sake of administering justice but to maintain and preserve his nobility. For what room can there be for administering punishment where no injustice is ever committed?" These words convinced Alexander that it would be no victory to disturb their perpetual peace, and he dismissed them to their own quiet. And perchance had he attacked them in war, he might little enough have prevailed against an innocent people, because not easily is innocence vanquished, and the truth, standing firm in its own strength, ever triumphs over evil, albeit completely armed.

But, since there is nought which men more desire than to have their sons succeed them in their possessions, even as men foreseeing that death is an incident of their mortal state seek to prolong their own existence in the heirs of their body, therefore this promise is given to princes as the greatest incentive to the practice of justice. For somehow it happens that those who are without anxiety for themselves, are always solicitous for the welfare of their children. Herein is an inversion of the proper

order of affection in that the love which is due before all else to one's fatherland and parents should be thus poured out by a father upon his children until love of children wholly drains dry his heart, and shuts out all other affections. The children in turn repay their parents as the latter deserve, bestowing on their own children the affection which they received from their parents; although the proper order of affection demands a different order, which was wisely expressed by the most learned of the poets. For after the fall of Troy he places the aged Anchises upon the shoulders of his dutiful son, he gives to Ascanius the right hand of his father Aeneas, while Creusa, the wife, clings to her husband, tracking the footsteps of the others because of the weakness of her sex. To all his fellow-countrymen the poet gave as a leader a man who was famous at once for his feats of arms and for his sense of duty. For a leader of another kind would have availed not, since kingdoms cannot be won without prowess or retained without justice. But today all are actuated by the single motive of making their children, no matter what the character of the latter may be, resplendent with riches and honors rather than with virtues. They even neglect and forget that the burden and responsibility of the common weal rests upon them. After the expulsion of Tarquin the Proud, who was the last king to reign in the City, Brutus, the first who held the office of consul, learned that his sons were concerned in a plot to bring back the kings into the City. He forthwith caused them to be dragged into the forum, and in the midst of a public assembly ordered them to be flogged with rods and afterwards beheaded, to show publicly that he was the father of the whole people and had adopted the people in place of his own children. And although of course I look upon parricide with the utmost horror, still I cannot refrain from approving the loyalty and faithfulness of this consul, who preferred to jeopardize the safety of his own children rather than that of the people. Whether he did rightly, let wiser

men decide. For I know that the question has been a battle-ground of oratorical commonplace, and that declaimers have often enough toiled and sweated over it on both sides, laboring either to excuse the parricide on the ground of fidelity to public duty, or on the other hand to prove that the merit of fidelity to the public was effaced by the infamy of the crime. But if you press me to state an opinion, I will give you the answer which I find was given to Gneius Dolabella by the Areopagites in the case of the woman of Smyrna. For when he governed the province of Asia as proconsul, a certain woman of Smyrna was brought before him, who confessed that she had murdered her husband and son by secretly giving them poison, because they had foully and treacherously slain a son of hers by another marriage, a fine blameless youth. She asserted that her act was lawful by the indulgence of the laws themselves, and that besides she did not know the law, and that she was but punishing an atrocious outrage against herself, her flesh and blood, and the whole commonwealth. The law was separate from the case, since the facts were admitted, and only a question of law remained. Therefore, when Dolabella referred the matter to his council, there was none who in such a doubtful case as it seemed to be was willing either to go the length of absolving the manifest poisoning and parricide, or on the other hand to condemn the just vengeance which had befallen godless wretches who were parricides themselves. The matter was accordingly referred to the council of the Areopagus at Athens, as being graver and more experienced judges. But after they had heard the case, they adjourned it, and ordered the prosecutors and the accused woman to appear before them a hundred years from that day. Thus they neither absolved the poisoning, which was illegal under the law, nor punished the woman who had committed the crime, but who in the opinion of many could have been justly acquitted. This story is told in the ninth book of the work of Valerius Maximus entitled "Mem-

orable Words and Deeds." I will readily agree that both Brutus and the woman transgressed, because "The remedy exceeded due measure and followed too far the course of the disease," [5] and, although the crimes were great, still it would have been better had they been avenged without resorting to another crime by way of punishment. Wherefore even the poet who lauds Brutus, bears witness also to his unhappy plight; for Virgil says in the sixth book:

"The father in the name of fair liberty will cite to punishment his sons who are kindling new wars,—unhappy father none the less, it matters not how later ages will tell the story of his deed." [6]

But in the following line he seeks to excuse the ill-hap of the parricide, and at the same time blame it, by attributing it to the vanity of vainglory:

"Love of country will prevail with him, and boundless desire of praise."

There is, however, no need for anxiety that the example given by Brutus of preferring the people to one's own children will be followed to excess, since generally a man prefers even the vices of his children to the safety of the commonwealth, although it is certain that the safety of the people ought to be placed before all children. In the Book of Kings it is related how a vow was made to keep a fast day at the peril of him who should break his vow by taking food before night. Jonathan, the son of King Saul, tasted some honey which he had touched with his scepter, that is to say, with his spear; and the king, moved by fatherly affection, is blamed for having spared his son contrary to the obligation of his vow; to which transgression the defeat of the people of Israel on that day was thought to have been due. Heli also, although it is writ-

[5] Lucan, *Phars.*, ii, 143, 144. [6] *Aen.*, vi, 820–823.

ten of him that he was blameless in his own conduct, yet pardoned the vices of his sons; and in consequence when his chair was overturned, he fell and broke his neck and so died. To say nought of others, how greatly, I ask, did He love and seek the general welfare of mankind who did not spare His own Son, but gave Him for our sake, to the end that He might bear the chains and stripes and cross which we had merited, and be condemned to a shameful death, though Himself blameless and innocent? Search the history of the kings of Israel, and you will find that the reason wherefor the people besought God to give them a king was that he might go before the face of the people, and fight their battles, and, after the likeness of the gentiles, bear the burdens of the whole people. And yet a king was not truly needed, had not Israel after the likeness of the gentiles walked crookedly and showed themselves not content to have God for their king. For had they themselves practised justice and walked faithfully in the commandments of the Lord, God would freely and without price have humbled their enemies and stretched out His hand over their tribulations, so that by the wonted help of God one might have vanquished a thousand, and two put to flight ten thousand.

Well do I remember to have heard it said by my host at Placentia, a man of the noblest birth and blood, who had the prudence of this world in the fear of God, that it is well known from frequent experience in the city-states of Italy that so long as they love peace and practise justice and abstain from falsehood and perjury, they enjoy liberty and peace in such fulness that there is nought whatsoever that can in the least degree disturb their repose. But when they fall into deceptions, and by the devious by-ways of injustice are divided against themselves, then straightway the Lord brings down upon them either the arrogance of Rome or the fury of the Germans, or some other scourge; and His hand remains heavy upon them until of their own free accord they return from their

iniquity by the way of repentance; by which remedy alone the storm wholly ceases from among them. He added that the good deserts of the people bring to an end every instance of princely rule or else cause it to be of the mildest character; while on the contrary it is certain that it is because of the sins of the people that God permits a hypocrite to reign over them; and it is impossible that the reign of a ruler should be long who bears himself too haughtily and exults in the humiliation of the people and in his own elevation. But he said that long was the rule of the man who through consciousness of his humility was ever dissatisfied with himself, and reigned as though unwillingly. This was told me by my host of Placentia; and it impressed me as worthy of belief.

Something to the same effect is found in the writings of old times. For Helius, having brilliantly filled the office of prefect of Rome, was advanced from senator to emperor. The Senate then besought him to confer the title of Augustus on his son Cæsar; but he replied, "It should be enough that I myself have reigned against my will and without deserving it. For the office of prince is not due to blood, but to merit; and there is no advantage in the rule of one who is born a king without being a king by merit. Nor can there be doubt that he sins against parental affection who crushes his little ones under a burden which they cannot bear. This is to suffocate one's children, not to advance them. They are first to be nourished and trained in the virtues; and when they have become so proficient therein that they prove themselves to excel in virtue those whom they are to excel in public honors, then let them ascend the throne, if they are invited to do so, and let them never lose the good wishes of their fellow-citizens. For who doubts that those are to be preferred above others who besides being enriched as it were with the privilege of natural worth are also inspired to virtue by the example of their ancestors, and by reason of this inspire in others a confidence in their future good-

ness?" Such were his words. And surely he expressed aptly the privilege of a prince, whose sons succeed him without the raising of any question and in continuance of the original grant from God unless their princely power is subverted as a punishment of iniquity.

CHAPTER XII

FOR WHAT REASONS THE KINGSHIP OR PRINCELY POWER IS TRANSFERRED.

A familiar passage of Divine Wisdom teaches that kingship shall be transferred from family to family because of injustices and injuries and contumelies and diverse deceits.[1]

Is it not evident after how short a space of time the throne of the first king among the people of God was overturned? Because of their faults Saul, and Jonathan, and the others of the king's sons, met destruction on the hill-tops to the end that his throne might be established who was chosen from following the ewes that gave suck. Run through the sequence of all the histories and you will see in brief the successions of kings, and how they were cut off by God, like threads in the warp of a web. And the more illustrious the kings, so much the more speedily, if their pride rebels against God, is their seed trampled under foot. There is no wisdom, no prudence, no counsel which can prevail against God, and certainly no courage. If He rises up and pursues, it is vain to have recourse to, or beg aid of, sacraments or the protection of fortresses, because there is none who can escape His hand. Who was greater than Alexander in Greece? And yet we read that he was succeeded not by his own son but by the son of a dancing girl. Who does not know the list of emperors of the house of Cæsar? Few or none of them left his heritage to his own son, and all of them in brief, after various perils and many murders of their own flesh and blood, were blotted out as if in a moment by

[1] Eccli. x, 8.

diverse deaths, generally of a shameful kind; and descending into the lower world, they were succeeded by enemies or strangers.

What, I ask, so swiftly subverted and transferred such mighty kingdoms? Surely the indignation of God, provoked by manifold injustices against Him. Injustice, the Stoics think, is a frame of mind which banishes equity from the realm of the habits. That the soul is "deprived" of justice is signified by the use of the privative particle. Now the principal element of justice is not to do harm, and to prevent, out of a duty of humanity, those who seek to do harm. When you do harm, you fall into injustice. And when you put no obstacle in the way of those who seek to do harm, you then serve and aid injustice.

Contumely is when an outward act results from mental passion to the manifest hurt of another. And it serves iniquity because it arrogantly rises up against one to whom reverence is due, either because of his rank, or office, or some bond of natural connection.

Deceit, according to the definition of Aquilius, is when one thing is done and another pretended; and is clearly wrong whenever committed with the intention of harming. Deceit differs greatly from contumely, since the latter acts openly and even proudly, while the former acts fraudulently and, as it were, from ambush.

These are the things which, when they occur, overturn the thrones of all rulers because the glory of princes is perpetuated by their opposites. Deceit is the mask of weakness and the image of timidity, and is opposed directly to courage. Contumely is repressed by prudence, which continually repeats "Why should dust and ashes be proud over dust and ashes?" Injury is forbidden by temperance, which is unwilling to inflict on another what it would not wish to suffer from another. And injustice is excluded by justice, which in all things does to others that which it desires to have others do to it. These

are the four virtues which philosophers call cardinal, because they are thought to flow like primary rivulets from the original source of honor and right living, and to beget from themselves the streams of all other good things. These are perchance the four rivers which emerge from the delicious paradise of God to water all the earth to the end that it may bear desirable fruit in its own good season. Would that to me from the fountain of life—I speak of the divine grace,—there might penetrate these rivers of plenty, watering the earth of my barrenness, that by increasing fruit of good works I might at least have strength to ward off the blow of the impending axe which for my sins is laid to my root as to the root of an unfruitful tree! The tree which is planted beside those waters does not wither; but the tree which they moisten not at the root, decays and perishes as dust which the wind blows from the face of the earth. In this respect I think no exception is made of leaders nor of rulers, because the glory of kings will be transferred if they are found to be guilty of injustice or injury or contumely, or deceit; for so the mouth of the Lord hath spoken. But with due respect for the opinion of wiser men, my own opinion is that it is not inappropriate that He speaks of the different vices by a plurality of names, and in this plurality has prudently inserted a certain diversity. For He says, as was mentioned above, that kingship shall be transferred from family to family because of injustice and injuries and contumelies and diverse deceits. The word "diverse," which is added at the end, is to be understood, I think, as referring to all in common, and understood so broadly as to refer not merely to different species of vices, but also to embrace the various kinds of persons and all the modes in which these vices are committed by any one. For the prince is responsible for all, and seems to be himself the doer of all things, since, having the power to correct all, he is deservedly regarded as a participant in the things which he omits or refuses to cor-

rect. For being, as we said above, the public power, he draws from the strength of all, and, in order that his own strength may not fail, he should accordingly take care to preserve the soundness of all the members. For as many offices and stations of duty as there are in the administration of a prince's government, so many are the members as it were of the prince's body. Therefore, in preserving each office in unimpaired integrity of strength and purity of reputation, he is preserving as it were the health and reputation of his own members. But when through the negligence or concealment of the prince as regards the members there is loss of strength or good reputation, then diseases and blemishes come upon his own members. Nor does the well-being of the head long continue when sickness attacks the members.

Here ends the Fourth Book.

Here begins

THE FIFTH BOOK

(AND HEREIN OF THE COMMONWEALTH AND ITS MEMBERS, AND ESPECIALLY OF THE ADMINISTRATION OF JUSTICE)

CHAPTER I

OF PLUTARCH'S LETTER FOR THE INSTRUCTION OF TRAJAN.

There is extant a letter of Plutarch, written for the instruction of Trajan, which expounds the meaning of one sort of political constitution. It is said to run in this wise: "Plutarch to Trajan sends greetings. I know that your modesty did not seek the principate, which, however, you have always striven to deserve by the correctness of your life. You will in fact be esteemed all the more worthy of honor in proportion as you are seen to be the more free from the charge of ambition. I therefore congratulate your virtue and my own good fortune if you rightly discharge the office which you have merited by your uprightness. However, I doubt not that you will be subject to many perils, and I to the tongues of detractors, since on the one hand Rome will not tolerate the weaknesses of emperors, and on the other public gossip is always wont to cast back the faults of pupils upon their teachers. Thus the tongues of detractors carp at Seneca because of the deserts of his pupil Nero, the wildness of Quintilian's young charges is cast back upon him, and Socrates is blamed for having been too lenient toward his famous pupil. You, however, will perform the tasks to which you set yourself with all correctness if you do not become untrue to yourself. If you first put your own self in order and dispose everything about you wholly to virtue, all will go well for you. I have composed for you an exposition of the strength of the political constitution of our ancestors. If you follow it, you will take Plutarch as the guide of your life. If otherwise, I call this letter to witness that if you proceed to ruin the empire Plutarch will not be the cause thereof."

CHAPTER II

WHAT A COMMONWEALTH IS, ACCORDING TO PLUTARCH, AND WHAT FILLS THEREIN THE PLACE OF THE SOUL AND THE MEMBERS.

The above-mentioned letter is followed by the different headings of this political constitution, set forth in a little treatise entitled "The Instruction of Trajan," which I mean to insert in part in the present work, but in such wise as to follow rather the general trend of the ideas than the actual sequence of the words. The prince is first of all to make a thorough survey of himself, and diligently study the condition of the whole body of the commonwealth of which he is the representative, and in whose place he stands. A commonwealth, according to Plutarch, is a certain body which is endowed with life by the benefit of divine favor, which acts at the prompting of the highest equity, and is ruled by what may be called the moderating power of reason. Those things which establish and implant in us the practice of religion, and transmit to us the worship of God (here I do not follow Plutarch, who says "of the Gods") fill the place of the soul in the body of the commonwealth. And therefore those who preside over the practice of religion should be looked up to and venerated as the soul of the body. For who doubts that the ministers of God's holiness are His representatives? Furthermore, since the soul is, as it were, the prince of the body, and has rulership over the whole thereof, so those whom our author calls the prefects of religion preside over the entire body. Augustus Cæsar was to such a degree subject to the priestly power of the pontiffs that in order to set

himself free from this subjection and have no one at all over him, he caused himself to be created a pontiff of Vesta, and thereafter had himself promoted to be one of the gods during his own life-time. The place of the head in the body of the commonwealth is filled by the prince, who is subject only to God and to those who exercise His office and represent Him on earth, even as in the human body the head is quickened and governed by the soul. The place of the heart is filled by the Senate, from which proceeds the initiation of good works and ill. The duties of eyes, ears, and tongue are claimed by the judges and the governors of provinces. Officials and soldiers correspond to the hands. Those who always attend upon the prince are likened to the sides. Financial officers and keepers [1] (I speak now not of those who are in charge of the prisons, but of those who are keepers of the privy chest) may be compared with the stomach and intestines, which, if they become congested through excessive avidity, and retain too tenaciously their accumulations, generate innumerable and incurable diseases, so that through their ailment the whole body is threatened with destruction. The husbandmen correspond to the feet, which always cleave to the soil, and need the more especially the care and foresight of the head, since while they walk upon the earth doing service with their bodies, they meet the more often with stones of stumbling, and therefore deserve aid and protection all the more justly since it is they who raise, sustain, and move forward the weight of the entire body. Take away the support of the feet from the strongest body, and it cannot move forward by its own power, but must creep painfully and shamefully on its hands, or else be moved by means of brute animals. Our author after his fashion lays down many things of this kind, which he elaborates at great pains and with a treatment which is rather diffuse, all tending to com-

[1] This word, while not a translation, serves to reproduce the effect of the double meaning of *"commentarienses."*

plete the conception of the commonwealth for the instruction of magistrates; but to follow him verbatim into these details would belong to that servile kind of interpretation which seeks rather to expound the surface than the sinews of an author. And because much that he has to say concerning ceremonies and the worship of the gods, wherein he thought that a religious prince should be deeply indoctrinated, is treated from the standpoint of superstition, I shall omit the things which pertain to the cult of idolatry, and briefly summarize the meaning of the man insofar as he sought to shape the prince and the offices of the commonwealth to the practice of justice.

CHAPTER III

WHAT THINGS ARE CHIEFLY EMPHASIZED IN PLUTARCH'S DESIGN; AND CONCERNING THE REVERENCE WHICH IS TO BE SHOWN TO GOD AND TO SACRED THINGS.

In summary, then, there are four things which he strives to inculcate in the rulers of a commonwealth: reverence for God, self-training, the need for learning on the part of officials and rulers, and for winning the affection of subjects and giving them protection. First of all he asserts that God is to be honored; then that each man is to train and cultivate himself to the end that, according to the saying of the Apostle (although of course he does not know the Apostle), each may possess his own vessel in sanctification and honor; afterwards that the learning of the whole house should savor of the learning of its head; and finally that the whole corporate community of subjects should have cause for rejoicing in the preservation and safety of the life of its rulers. He cites examples of the strategies and stratagems of famous men, which, if I were to insert them one by one, would prove tedious for the reader, and might in part even reflect on the sincerity of my own faith. However, since the holy fathers and the laws of princes seem to follow in the same track, although of course without the taint of his infidelity, let me touch on his doctrine briefly and in catholic language, adding a part of his stratagems.

His point of departure is from reverence for supernatural beings; ours is from God, who is to be loved by all men alike and worshipped with all their heart, and all their soul, and all their strength. The proof of love is the works which it shows

forth; and though He can be loved for Himself and directly, after the manner of one who pours out his soul to his beloved without the need of any medium, nevertheless for external worship the intervention of something intermediate is necessary, since no one has ever seen God. Of course you can apply the term "seeing" in an enlarged meaning to describe all the senses of both kinds, because no man can see God presently and directly and still live, except with that part of his senses which is not restricted by bodily limitations and is not sensible of the lapse of time, but lives and endures through His grace for all eternity; I speak of Christian love, which is not diminished, but increases in proportion as it draws into nearer intimacy and closeness to the object which it desires. As for faith, it wears a veil, and hope defers its joy and sets its desire in the future, with the incentive of grace and merit soothing present consciousness. Therefore, while faith and hope resemble a kind of sense, they nevertheless subsist and work on this side of the great divide, and as temporary expedients, working as through a glass darkly, and in a kind of enigma, until their nature shall be changed and the substance of the truth shall illuminate them in all its fulness. But one who cannot be clearly seen by sense, cannot easily be known; and that which is not known cannot be diligently worshipped save through a medium or symbol. | Wherefore we read that Numa Pompilius introduced among the Romans certain ceremonies and sacrifices, to the end that under the pretence of immortal gods he might the more easily induce them to cultivate piety, religion, good faith and the other things which he wished to make known to them. This is attested by the shield which was said to have fallen from Heaven, and by the Palladium, both regarded as sacred pledges of imperial power; by two-faced Janus, the arbiter of war and peace; and by the hearth of Vesta, sacred to virgins, whereon, in honor of the stars of heaven, the flame that guarded the empire burned forever

watchfully. To the same end the year was expanded into twelve months, decked out with a variety of "lawful" and "unlawful" days, and there were pontiffs, augurs, and various schools of priests, all to curb the barbarism of the people, restrain them from wrong-doing, and cause them to keep a holiday from arms, cultivate justice, and steadily train themselves in civic affection toward one another; and he did in fact so succeed in taming that fierce people, that the empire which they had seized, as it is said, by violence and wrong, they governed happily by the laws of justice and piety. But why should I put forward the example of Numa, when the fathers of our own faith likewise assert that the sacrifices and ceremonies of the old law[1] were instituted lest the people, becoming captivated by the worship of demons, should unlearn the practice of the true religion, burning their sacrifices to demons after the manner of the gentiles, and not to God?

/ God is worshipped, therefore, either by affection, which is a disposition of the mind, or by the display of works. The disposition of affection or love touches Him directly, though He cannot be fully comprehended by means of any sense of the body or even of the soul, so long as it sojourns abroad from Him, and while the mind is weighed down under the burden of the body; but certainly He is loved the more ardently, and sought the more zealously, in proportion as His loftiness, and the immensity of His riches, power, and wisdom, exceeds all understanding; yet, even so, with His goodness and power He so envelops, penetrates, fills and protects every creature, that He cannot remain altogether hidden from any creature that is rational. Even those which are irrational bear witness that He is, and what He is, and how great He is, by numerous signs and tokens. And so in a wonderful way He gives knowledge of himself while taking it away; and takes it away while giving it;

[1] i. e., under Judaism.

and according to the measure of His own good pleasure so works in different indviduals that, while He is without increase or abatement, He yet seems to be more present or less present in one or another as respects grace, although not of course as respects His essence, wherewith He fills every creature equally and uniformly. For that He can exist in complete union is fully proved in the instance, though it be the only one, of His only-begotten son of the Virgin. And so He is now one thing in one man, another in another, but as it is written, will be all in all to His elect. And just as the nature of the sun's heat, to use an unequal comparison, for nothing can be compared to Him on equal terms, produces different effects in different bodies because of their diversity, so His nature, if it is permissible to compare great things with the greatest of all, shines forth in manifold ways in many men. Thus if a ray of the sun chances to fall on a carbuncle, it emerges or is reflected with a red color, which reddens the surrounding air. The same ray becomes green in a smaragdus, and is colored to the clearest azure in a sapphire. The facets of a jacinth lend it their hue. In a topaz, which is the more precious as it is the more rare, it glories proudly in the color of almost all things. If you hold up Yris before it, it will reflect the image of Thaumantias. Cast upon water, it passes in undulations across the ceiling, and, transmitted through the beryl, it imprints the fire of heaven upon what lies beneath. You see, then, how many different things a ray can be, in different objects. In the same way, prudence is in some, fortitude in others, in still others temperance, or justice, or faith, and, in others again, long-suffering hope; in some is the ardor of love, in others endurance of labor, here consolation for grief, there perseverance in good works; all of which separate qualities in separate individuals are yet but one and the same God. But, in time to come, when through His grace we shall look upon Him face to face, and see Him as He is, then He will be all in all; and

then none shall lack for his blessedness the substance of any virtue, since He will be the fulness of virtue in all, and the sum of beatitude; to such a degree that according to the tradition of the fathers, He will appear to His elect in such fulness of majesty that they shall lack nothing of any grace, and He alone shall be visible in them, and they shall be reckoned in His name, their true substance being preserved entire and without any changefulness of nature. This is perhaps the meaning of the saying, "The sanctified shall exult in glory, they shall rejoice in the beds";[2] for then the hearts of the sanctified shall be open to one another, and each shall glory not only in his own consciousness but in the consciousness of all. For just as fire, to use the same simile which we have already used, penetrates the nature of iron and heats it till nought is seen therein save fire; and just as when a ray of the sun shines upon copper, the copper is accounted as the sun or a ray thereof; in the same way God will so fill all the elect that, all infirmity and mutability having been removed from them, and the mortal having put on immortality, and the corruptible incorruptibility, God alone shall be seen and known in all. By this opinion some explain the fact that in spite of the general rule that it is never permissible for one creature to be adored by another, yet the angels, who already participate in the blessedness which is reserved for us in the future, are adored when seen of men, because in them a certain actual presence of the Deity is visible. Thus too in the face of the Saviour something of Deity shone forth, when he made a scourge of cords and drove the buyers and sellers from the temple, thus showing that all transaction of business is to be banished from the house of prayer. But in other men, although the presence of Deity may be felt near at hand, His fulness is never actually present, and yet cannot wholly be concealed. He is therefore marvellous in

[2] Ps. cxlix, 5.

every manifestation of majesty, venerable in every manifestation of wisdom, lovable in every manifestation of goodness, and this worship the faithful creature can pay to him without the intervention of any intermediary. What more is needful than this, that we honor, venerate, and love Him? For these three form a three-fold cord between Creator and creature, which cannot easily be broken. But strongest of all is the strength of love. Truly, Christian love never passes away, wherewith if a man clings to God, he is united to Him and becomes one spirit with Him; and he who is thus united to Him so as to become one in spirit, becomes a servant of His household, and can in no wise be kept from obedience to Him, which is a thing of the spirit. But the worship which consists in the display of external works requires a medium; in as much as no bodily approach to the spirit is accessible to us, as was plainly taught by Him who, in the case of the woman of Samaria, said for the instruction of the Church, "God is a spirit, and they that would worship Him must worship in spirit and in truth."[3] In order, however, to provide a way whereby the weakness of our humility may ascend to His throne, and have some ground for merit, He who endowed us with senses has wished to be worshipped with the senses; and He who will glorify both soul and body demands the faithful service of both. He also desires to be worshipped with the body to the end that the tardiness of unfaithfulness or negligence may have nought wherewith to excuse itself.

[3] John ix, 24.

CHAPTER IV

OF REVERENCE FOR PERSONS AND THINGS; AND IN WHAT WAYS A PERSON MAY BE WORTHY OF REVERENCE.

The reverence which is paid with the body is directed either toward persons or things. The reasons for reverencing persons proceed either from nature, or from office, or from character, or from rank, or from fortune. Nature causes us to honor our parents and our children and those who are joined to us by ties of flesh and blood, as for instance wife, relatives, and connections. This precept is received in the law of nations because it is followed among all nations alike. We are also urged to the same effect by the divine law, for we know that it is written, "Honor thy father and thy mother that thou mayest have long life on earth";[1] and again, "He that curseth father or mother shall surely be put to death."[2] It was hardly needful to issue such a command in regard to children, since no one hates his own flesh; nor in regard to the wife, on whose account a man leaves father and mother, cleaving to his wife, so that the twain become one flesh. But commandments on this point are not lacking in the divine law, although because of the strong incentive supplied by nature, they are comparatively infrequent; and the same commandments are extended to relatives and connections, as nature herself enjoins.

Office is the duty of doing the acts which laws or morals enjoin upon a given individual. Its function is to bring different acts into harmony by allotting them to the different in-

[1] Ex. xx, 12.

[2] Ex. xxi, 17.

dividuals to whom they are appropriate. Among the duties which are thus to be performed some have a public bearing, others relate to the private status of individuals. From this it is clear that some duties or offices are conveniently called public, others private. Of those which are private there is almost as great a multiplicity as there are different kinds of persons. Public offices on the other hand can all be referred to two kinds: for they have their origin either from divine law or human law. These things are explained at large in the books of offices, but they are pertinent in the present connection because of the fact that reverence is paid to public offices. It is due to them in proportion to the relative eminence of each magistracy. This, in turn, is the result of, and is indicated by, the extent of the jurisdictional competence of each, for the reverence or contempt which is shown to magistrates redounds to the honor or disgrace of all those who are subject to them. Wherefore in the ordinances of princes and the edicts or promulgations of magistrates the plural number is used by *prolemsis,* to the end that every ordinance or other kind of promulgation may be seen to be the act not so much of the officer personally as of the corporate community. This is well-known from daily usage even to one who is ignorant of the laws or canons. The rationale of duty or office is developed further not merely in the enactments of the canons and laws but also in the precepts of all the ethical writers.

Character is a cast of mind from which a habitual series of particular acts proceed. For if an act is done once or oftener, it does not immediately become a part of character, unless by being done steadily it passes into usage. Usage includes both virtues and vices, although the vices are not generally reckoned as character (for the latter term may also be translated "morals"), to which the vices are usually set in opposition. From the latter fact it is plain that only the virtues are included under the name of morals, or character, although

sometimes we speak of "good" and "bad" morals to distinguish the vices and virtues. Thus we use the term in its good sense when we speak of "moral" people, or people of "character," while we also derive from it the word "morose," which we use to describe a kind of vice. This shows that the name signifies abundance, although it never happens that there is a surfeit of "morals" in any person in the flesh, while on the other hand many possess a superfluity of vices. When, therefore, we say that anyone acquires reverence by reason of his character or morals, we mean that he has virtues which deserve to be honored. For who ought not to revere and respect the man whom he supposes to be wise, brave, temperate, and just? Hence it is the counsel of wisdom for the man who desires to be esteemed, loved, honored and advanced, that he should honor, love, and revere God, and submit to Him with entire devotion.

Rank is defined as the accidental status of a person, as for instance whether he is sunk in adversity or raised aloft by prosperity. It is the stamp which evidences on its face that his lot is one or the other. This is the ground on which we honor men who are free-born, while on others we cast the reproach of slavery. So likewise we respect the wealth of some men and despise the poverty of others.

Tully says that it is difficult to define nature.[3] To define fortune is I think even more difficult, because, while the former has some substance, the latter has none. Nature provides the source and origin of things; which would be impossible if she herself did not actually exist. For what is altogether nonexistent cannot supply existence to something else. But since fortune does not exist, it cannot be defined. Because it is nonexistent, it is not possible for anyone to determine wherein it consists.

[3] Cic., *de Invent.*, i, 24 § 34.

At this point, however, the Epicureans come forward with their doctrines to which they give the name of "master teachings," and to which they claim that all philosophy must yield obedience; and, after their fashion, they make all things subject to fortune. I think that herein, as on so many other points, it is worth our while to hear the opinion of Plutarch. He says that the blind goddess ought not to be worshipped, for she cannot, after all, be worshipped except by the blind. And he cites many examples to demonstrate that all who have worshipped her have been made blind themselves and have been hurried straightway into the pit of destruction. Galba is one instance, who having lived admirably for a whole life-time and well into old age, was then through his service of this goddess and her worship suddenly exalted for a brief space and even more suddenly cast down. For the manner of it, look into Suetonius. Yet the same philosopher complains in the ear of the aforesaid prince, and tearfully laments, that this goddess, so infected with the taint of blind and heedless rashness, and so shameful to all other divinities, has polluted the temples of all the Gods and stolen away their worshippers to such an extent that, in addition to the private sanctuaries which she has everywhere throughout the City and the world, she has even seized a post on the Tarpeian rock on the same footing with supreme Jove; and a golden image of "Fortuna Publica" is publicly adored in the Capitol by strangers, pilgrims, and natives; and has such authority beyond all other gods that in the general account-book of mortals, as the saying is, she alone seems to fill up both pages. You can see her there turning her revolving wheel; and, what is more to be marvelled at, with a turn of that wheel she dashes down and crushes the thread of the three sisters which is woven from the breast of Jove; for whosoever sets up fortune, plucks down fate. "Fate," says the Stoic, "rules over men; fate is in those places which are hidden in secret." [4]

[4] Juv. ix, 32, 33.

Against this paradox the "master teachings" of Epicurus protest. "Away with the necessity of fate," he says, because "If fortune wills it, a consul will be made from a rhetorician; if the same power wills, a rhetorician will be made from a consul." [5]

However, not to treat further of fortune, there may indeed be a form of unforeseen events, and though this may seem to some to resemble very closely what we have called "rank," because a man's status, to which we applied that term, may be determined by a coincidence of accidental circumstances, still there is this important difference, namely that rank results in some cases from nature, in others from office, in others again from a man's morals or character; and only in the remaining cases does it spring from the chance of events, while fortune always consists in things which emerge unforeseen. Plutarch seeks to eliminate it entirely, and from the preceding four sources, to wit nature, office, character, and rank, derives the origin of all reverence. Nevertheless, on this point he develops his argument on somewhat superstitious lines, after the manner of pagans. I have thought fit to insert some of his ideas, however, expressing them in Catholic sense and language. He asserts that in the worship of the gods those are above all to be included who come closest and nearest to them [5a] either because of their nature, as Liber who conquered India, or Hercules who showed that he had Jove in him by strangling snakes in his cradle; or because of their office, as priests and prefects of sacred things; or because of their character, as philosophers who by investigation and the gift of wisdom prove that they have drunk deeply from the fountain of the divine mind; or by reason of their rank, as those who have been exalted by the favor of

[5] Juv. vii, 197, 198.

[5a] To make this passage intelligible, it seems to me necessary to read *"eis"* for *"ei."*

heaven to be over others, rather for some personal reason than because of their public office.

This language is indeed that of an infidel, and worthy of execration; nor is the sense of the words such as befits a philosopher. But perchance he did not dare express his real opinion concerning the nature of the gods in the ears of a corrupt people, having read how the books of the philosopher Pitagoras had been burned, and he himself driven into exile by the Athenians, because he had expressed a doubt whether those things which were commonly told regarding the gods were true. Why then should he be so rash as directly to assert the contrary, when he knew that even a doubt of their correctness had not gone unpunished? It is therefore likely that he adapted his style to his hearers, and in order that he might persuade them to give up unpermitted things, indulged them somewhat in their errors. For in moral doctrine he is unimpeachable. And in this opinion I acquiesce the more readily, since even the Apostle of the gentiles, while preserving his faith and religion intact, yet became all things to all men to the end that he might win all.[6] We, however, who have been enlightened by the Truth from heaven, believe that reverence is to be shown to the ministers and friends not of "gods," who we know are nothing, but of the true God; and even at times to His foes also, since this is enjoined by God Himself, who often for the purification of His people has conferred power on the worst of men. Whence the command, "Be subject to every human creature on account of God, whether to the king as holding supreme power, or to other magistrates, as being sent by Him for vengeance on evildoers and the reward of the just."[7] And the other command, "Slaves, be in subjection to your masters, not only to those who are good and gentle, but also to those who are froward."[8]

We become friends of God either through grace, without

[6] 1 Cor. ix, 22. [7] 1 Pet. ii, 13. [8] 1 Pet. ii, 18.

the operation of merit, like Jeremiah and John, who were sanctified before they were born, and like that gem of the priesthood, Nicholas, who while still in the cradle kept fast on the fourth day and the sixth day, on those days suckling only once; or through the merits of grace, like those who win the kingdom of Heaven by the easy road of good works, as did the penitent thief, or by a difficult and happy death, like the choir of the apostles and martyrs. These three classes were indicated by Maro:

> "Easy is the descent into Avernus;
> Night and day stands open the gate of gloomy Dis;
> But to climb the steep ascent again and regain the upper air,
> This requires toil and labor; few have attained thereto,
> And those the favorites of just Jove, or they that
> Were exalted to the skies by the ardor of their virtue,
> Or else were born of gods."[9]

Those, then, whom we see conforming by the propriety of their life to the divine goodness, we ought to revere as the truest and most faithful image of God.

God's ministers are they that have been called by the divine governance to procure the salvation of themselves and others by rooting out and correcting vices, or by implanting and increasing the virtues. But those who minister to Him in the sphere of human law are as much inferior to those who minister in divine law as things human are below things divine.

[9] Verg., *Aen.* vi, 126 ff.

CHAPTER V

WHAT PUNISHMENT IS THREATENED AGAINST THOSE WHO COMMIT INJURIES AGAINST MINISTERS OF THE CHURCH AND AGAINST SACRED PLACES; AND THAT ABSOLUTION CANNOT BE EXTORTED BY FORCE, NOR PURLOINED BY FRAUD.

In the persons of those who administer the divine laws, God is honored or brought into contempt more than in the case of others because He regards their honor or dishonor as His own. Hence the scripture, "I said, Ye are Gods";[1] and again "The lips of the priest keep knowledge, and from his mouth they seek the law because he is the messenger of the Lord of Hosts."[2] Also the Gospel says, "Who hears you, hears me; who receives you, receives me; and who rejects you, rejects Him that sent me";[3] and again, "Who touches you, touches the pupil of my eye."[4]

The reverence which is to be shown to things is of many different kinds. For things are either corporeal, as shrines, and sacred places, and things dedicated to pious uses, and sacrifices performed visibly; or else incorporeal, as the laws which apply to sacred things, and disregard whereof is a sacrilege to be expiated by death or some other punishment of the severest kind, proportioned to the gravity of the offence. Therefore, to outrage the immunities of sacred things is to rebel against God Himself, and as it were condemn Him to slavery. And surely many arguments founded on the divine law could be

[1] Ps. lxxxi, 6. [2] Mal. ii, 7. [3] Luke x, 16; Math. x, 40. [4] Zach. ii, 8.

brought forward in support of its provisions, but to prevent the audacity of a rival power from gainsaying it, the statutes of princes on this point are of broad and generous application, embodying reverence and approval of the Christian faith, and confirming in their entirety the privileges of churches, priests and all sacred places. For who has not heard of the ordinance of the prince whose memory is forever blessed—I speak of Archadius?[5] "If anyone has broken out into this species of sacrilege, namely of entering Catholic churches by force, and committing outrage against the ministers and priests, or in the sacred place itself, let notice be taken of the act by the rulers of the province, and let the governor of the province know that such injury to priests and ministers of the Catholic Church, and to the place which is theirs, and to the worship of God, must be punished by sentence of death upon those who are convicted thereof or who confess the crime. Nor let him wait until the punishment of the injury is demanded by the bishop, to whom is rather left the holy glory of pardon and forgiveness, but let it be a praiseworthy act for all or any to track down atrocities against priests or ministers as a public crime and acquire merit by taking vengeance therefor."[6] And likewise, "It pleases our mercy that the clergy shall have nought to do with proceedings at law or those which pertain to our court, to the body whereof they are not attached."[7] And elsewhere, "If the privileges of any holy church shall have been violated by audacity or neglected by dissimulation, let the offence be punished by a fine of five pounds of gold."[8] The nature of these privileges of churches and holy places and ministers is made clearly known by the law both divine and human, although it is now obvious from usage that they can only be determined before ecclesiastical judges; and if anyone lays violent hands on one of the clergy, he is to be punished by anathema which none

[5] Justin, Cod., i, 3, § 10.
[6] Justin, Cod., i, 3, § 10.
[7] Justin, Cod., i, 3, § 17.
[8] Justin, Cod., i, 3, § 13.

save the Roman pontiff has power to absolve.[9] It is vain to seek from any other source remission of this crime unless perchance the very article of death is imminent, because absolution cannot be extorted by force or purloined by fraud. According to Claudian, Theodosius says:

"You cannot extort love by force;
It is the gift of mutual faith, and simple favor."[10]

The reason why it is not possible to extort absolution is because it is earned only by contrition of heart, confession of the lips, and satisfaction by works. Clearly not force, but grace alone can atone for impiety; and fraud will not profit the sinner, because the Holy Spirit abhors a feigned obedience and will not dwell in a body subjected to sin. Elsewhere I remember to have said (on the authority of the great father Augustine) that simulated innocence is not innocence at all, but a double offence, because there is both the offence itself and the dissimulation. So too pretended equity is not equity, but double iniquity, because there is both the iniquity and the pretence. I am therefore confounded with amazement beyond measure when I so often see men, whom I do not know whether to count as Christians or as infidels, striving with all their might, when detected in some sacrilege of this kind, to compel priests by means of threats and terrors to grant them absolution, which the ones cannot honestly give nor the others in their hardness of heart receive with any real profit to themselves. Surely it is easier for both to become involved than for either of them to be extricated. Which of the two should be blamed the more severely, it would not be easy for me to say. So much concerning those who in Plutarch's political constitution fill the place of the soul in the commonwealth.

[9] Lat. Council of 1139, c. 15. in Gratian, ed. Friedberg, Corp. Jur. Can., i, 822.

[10] *IV Cons. Honor.*, 282, 3.

CHAPTER VI

CONCERNING THE PRINCE, WHO IS THE HEAD OF THE COMMONWEALTH, AND OF HIS ELECTION AND PRIVILEGES; AND CONCERNING THE RECOMPENSE OF VIRTUE AND GUILT: AND THAT BLESSED JOB SHOULD BE IMITATED; AND CONCERNING THE VIRTUES OF BLESSED JOB.

Following in the footsteps of our author, we come next to consider the members of the commonwealth. It has been said that the prince holds the place of the head, and is guided solely by the judgment of his own mind. And so, as has been said, he is placed by the divine governance at the apex of the commonwealth, and preferred above all others, sometimes through the secret ministry of God's providence, sometimes by the decision of His priests, and again it is the votes of the whole people which concur to place the ruler in authority. Wherefore we read in the Old Testament that Moyses, when about to ordain him who should have authority over the people, called together the whole synagogue to the end that he might be chosen in the presence of the people, so that afterwards no man might have ground for retraction, and no least scruple of uncertainty might remain to cloud his title. We read in the Book of Kings that Saul, when about to be made king, appeared before the face of the people, and was lifted up on their shoulders, above the whole people. Why so, I ask, if not because he that is to be over others ought in heart and countenance to show that he has strength sufficient to embrace as it were the breadth of the whole people in the arms of his good works,

and to protect them, as being more learned, more holy, more prudent, and more excellent in every virtue? For the Lord said unto Moyses: "Take unto thee Jesus the son of Nave, a man in whom is the spirit of God, and lay thy hands upon him, and set him before Eleazer the priest, and let him give him commandments in the sight of the whole synagogue; and thou shalt give instructions concerning him in their presence, and shalt put of thy honor upon him that the children of Israel may hear and obey him." [1] Evidently we are here listening to the ordination of a prince of the people, described so clearly that it needs no explanation. If, however, you ask for one in yet plainer terms, I will explain it to you on the authority of the Lord if you will advise me at the proper time and place, and I will add the meaning of the robes and certain features of the ritual. But here is plainly no acclamation by the people, no argument or title founded upon ties of blood, no consideration accorded to family relationship.

On the death of Salphaat, his daughters came before Moyses and claimed their father's inheritance.[2] God himself bears witness that their petition was a just one; for a man's inheritance of lands and estates is to be left to his relatives, and so far as possible, his public offices likewise. But governance of the people is to be handed over to him whom God has chosen, to wit to such a man as has in him the spirit of God, and the commandments of God are in his sight, who is well known and familiar to Moyses, that is to say a man in whom is honor and knowledge of the law, so that the children of Israel may hearken unto him. Nevertheless it is not right to pass over, in favor of new men, the blood of princes, who are entitled by the divine promise and the right of family to be succeeded by their own children provided that, as has been said above, they have walked in the judgments of the Lord. But

[1] Num. xxvii, 18. [2] Num. xxvii, 1–6.

if they have departed, little by little, from the way, even so it is not well to overthrow them utterly at once, but rather to rebuke injustice with patient reproof until finally it becomes obvious that they are stiff-necked in evil-doing. Roboam was not immediately expelled from his father's throne when he spurned the counsel of the old men, and, departing from the way of Salomon, sought to place an unsupportable burden on the backs of the children of Israel. But his kingdom was split in twain by the withdrawal of the ten tribes who followed Jeroboam the servant of Salomon, and the kingdom were divided, Juda having one kingdom and Israel the other.[3] Thus he was made to feel at one and the same time punishment for his stubbornness, and the mercy which flowed from the grace of God and the privilege of blood, for he remained king, but with a great part of his kingdom cut off. Wherefore did this befall him? Because he adhered to the counsels of young men, scorning the ways and precepts of prudence. For it is impossible to administer princely power wholesomely if the prince does not act on the counsel of wise men. "Woe to the land," says the scripture, "whose king is a boy and whose counsellors feast in the morning; happy the land whose king is of noble blood and whose chief men eat in due season, for nourishment, and not for luxury";[4] for in the former there can be no wisdom. From this point hear holy Job:[5] "Where shall wisdom be found, and where is the place of understanding? Man knoweth not the value thereof, neither is it found in the land of those who live pleasantly." Nought that perishes may be compared with it, for wisdom is drawn from secret places. It would have been better far for Roboam, had he driven the young men from him, following the counsels of the elders and keeping the life of blessed Job ever before him as a pattern and model for ruling. For hear what Job tells of himself:[6] "When I

[3] I Kings xii, 13.
[4] Eccles. x, 11–12.
[5] Job xxviii, 12–13.
[6] Job xxix, 7 ff.

went forth unto the gate of the city and they prepared a seat for me in the street, the young men looked upon me and hid themselves away, but the elders rose up and stood; the chief men ceased from speaking and placed a finger on their lips; the leaders hushed their voice, and their tongue cleaved to the roof of their mouth. The ear that heard me blessed me, and the eye that saw me gave witness unto me, because I set free the poor man that cried, and the orphan that had none to aid him. The blessing of him that was about to perish came upon me, and I comforted the heart of the widow. I clothed myself with justice, and I garbed myself with judgment as with a robe and diadem. I was an eye for the blind and a foot for the lame. I was a father to the poor, and diligently inquired into the case which I did not understand. I brake the jaws of the unjust man and from his teeth I bore away his prey. And I said: 'I shall die in my nest, and like the palm tree I shall multiply my days. My root is opened to the waters, and the dew shall linger in my harvest; my glory shall always be renewed and my bow shall be repaired in my hand.' Those who heard me awaited my opinion, and kept silent, attentive to my counsel. They dared not add to my words, and my speech distilled upon them. If at times I laughed in their presence, they did not believe it, and the light of my countenance did not fall to the earth. If I had wished to go to them, my seat was the first; and when I had seated myself like a king with his army standing round, I was the solace of them that mourned."

Here in the example of a just man is embodied in great part the formula of ruling. If we wished to follow it into its details, the series of virtues which it enumerates would alone fill up a whole book. The diligent reader will weigh and analyze each word, because in them all is no jot nor tittle which is not useful for understanding the mystery of salvation. I shall, however, as briefly as I can, touch on a few points which stand out on the surface of the words. He says "When I washed my

feet in butter and the rock poured forth for me rivers of oil; when I sat me down in a chair prepared for me in the street, the young men went away and hid themselves but the elders stood about me."[7] Here he means to signify that affluence of earthly things and a combination of blessings did not banish his prudence, but its authority over him remained throughout unshaken on the witness of his own conscience and of the good works which he did. He walked forth to the gate as one who needed not concealment; and as one who by his merits was entitled to the seat of instruction, he augmented the wisdom of the elders while youthful levity hid itself away. "The chief men ceased to speak and the tongue of the leaders cleaved to the roof of their mouth," as not having courage to speak of great themes and to place on the shoulders of men burdens too heavy to be borne, and such as are not wont to be touched with even the tip of the finger. For he taught that the sole excellence of virtue consists in action, and that the splendor of the word is an empty thing if it is not supported by the solidity of the deed. "In all labor," says Salomon, "there will be abundance, but where words are many, there frequently is penury."[8] It is the place of the chief men and leaders to walk before others in the way of good morals, and show them the way, and not to declaim with inflated eloquence as to what others ought to do. "The ear that heard me and the eye that saw me blessed me." Here he expresses elegantly the bodily instrumentalities whereon the soul's power of perception chiefly depends; for the knowledge of external objects penetrates to the soul most accurately through the services of eye and ear, and too frequently the careless tongue scatters the treasures of the heart. In adding the words "which heard me" and "which saw me," he expresses the judgment of a wise man according to the saying, "Happy the man who speaks into an ear that hears." He does

[7] Job xxix, 6, 7. [8] Prov. xiv, 23.

not say that he is made blessed by the tongues of men, which frequently move in either direction, as they chance to be impelled at one time by love or again by hate. Sufficient to him is the testimony of his own conscience, especially when it is confirmed by the judgment of the wise. The reason, he says, is "that I had set free the poor man, the orphan, and him that was about to perish; and because I consoled the heart of the widow." For in such acts the nature of princely authority chiefly reveals itself, which was instituted by the Lord to banish wrongs. For these are indeed works of mercy, and the name of him who does them will be blessed from age to age. But, that you may not suppose that he lent encouragement to vice by showing mercy too leniently, he says, "I was clothed in justice, and with my judgment as with a diadem; the cause which I did not understand I searched out diligently." For it behooves a judge to lay open all things, and to analyze the relation of facts with the fullest measure of investigation, and not to go against any one before the case has been most fully staked out by lawful reasons. For as the ethical writer says, "Speedy shall be the penitence of him whose judgment is speedy." "I brake the jaws of the unjust man." The unjust man is whosoever in legal proceedings seeks not his lawful right but plunder; who so loves wealth that he exacts retribution. And though it is just that judgment should be given for the value, yet he who is a slave to avarice hurries to destruction. Whence it follows, "And from his teeth I plucked away his prey, and I said I shall die in my own nest"; for peace of mind belonged to him because he was content with the measure of his own possessions. He was not spurred on by the goad of avarice or ambition to add house to house and field to field to the very boundaries of space as if he alone was destined to inhabit the entire surface of the earth.[9]

[9] Isa. v, 8.

"And as the palm tree, I shall multiply my days." Aristotle in the seventh book of his Problems, and Plutarch in the eighth of his Memorabilia, tell a marvellous fact,[10] to wit, that if you place great weights upon the trunk of a palm tree, and press and weigh it down so heavily that it cannot sustain the greatness of the weight, still it does not bend nor bow downward, but rises up against the weight, and struggles upward, and rebounds. For this reason, says Plutarch, men chose the palm for the symbol of victory in contests, because it is the nature of this tree not to yield to hard and persistent pressure. It is also said that the branch of the palm tree which the Greeks call the "royal branch" cannot be torn out by pulling it downward, but gives way only if you pull it up. It is also well-known that the trunk or stock of the palm tree is narrowed at the root, but thickens in its upper parts. The opposite is true of all other trees, whose stock increases in size as it approaches nearer to the ground. The palm tree, therefore, signifies unconquerable justice, which knows not how to descend but only to rise to ever higher things. Hence the saying, "The just man shall flourish like the palm tree." [11]

"My root is opened to the waters" (that is to say, the waters of the scriptures and virtues, mentioned above), "and the dew" (to wit, of grace) "shall linger in my harvest,"—namely of good works, whose sheaves the just judge shall treasure up in His bosom and repay unto the elect who shall come before Him on that day.

Accordingly he continues, "My glory shall always be renewed; and my bow shall be repaired," because,

"There *is* that at which" the just man "bends and aims the bow," nor does he "chase ravens at random with shards and mud." [12]

"Those who heard me awaited my opinion," and so forth. It is a common saying that an opinion is always to be re-

[10] Aulus Gellius iii, 6. [11] Ps. xci, 13. [12] Persius, *Sat.* iii, 60.

ceived in good part, according to the proverb, "A sluggard is wiser in his own conceit than seven men rendering opinions." [13] You hear him say that in a wise man three things concur. "They kept silent," he says, "attentive to my council, they dared not add to my words, my speech distilled upon them." Difficult matters demand attention, and it behooves a grave man to meditate his counsel, to the end that whatsoever he says, whatsoever he does, may be as counsel in the eyes of the man who is seeking after wisdom. Furthermore it is a mark of a circumcised mouth to utter words to which nought may be added and from which nought may be taken away. It is a scandalous thing for a grave man continually to meddle in tales and trivialities, and to cackle among babblers like a noisy goose among swans, believing that one sort of matter is as good as another for a dispute:

"What is the argument? Whether Castor or Docilis has more skill,
Or the Numician or Appian road is the better way to Brundisium?" [14]

Besides, things which are plentiful are cheapened by their plenty, and much talking is not merely a sin, but the words of a man who speaks a few things wisely are of great price. Wherefore Socrates made answer to one who inquired of him how to attain the best reputation, that his deeds should be good and his words few. This is why the just man, fearing to offend in speaking, says that his speech distilled drop by drop; for the perfect man does not offend by his words.

"If at times I laughed in their presence, they did not believe it." Laughter is a mark of levity; and the more public it is, the more shameful and worthy of rebuke. For it is written, "The fool lifts up his voice in laughter"; [15] and it is recorded

[13] Prov. xxvi, 16. [14] Hor., *Ep.* i, 18, ll. 19, 20. [15] Eccli. xxi, 23.

that the Saviour wept, but nowhere that he laughed. I should not readily believe that he was given to cackling, who speaks of his laughter so ambiguously that he says that they did not believe that he laughed.

"And the light of my countenance did not fall to the earth." Perhaps the just man laughed, but no worldly nonsense relaxed him into mirth, and whatsoever was worldly in manners, feared his austere countenance.

"Had I wished to go to them my seat was the first," and surely he was worthy of the foremost seat who so far excelled others in the way of virtue. When he sat like a king in the midst of his attendants he wiped away the tears of them that mourned. This is indeed a pleasing conclusion, for it belongs to the public power ever to strive so to rule that in the whole corporate community over which it presides it will not suffer any to be sorrowful. As to the art by which this will come to pass, the moral field which is subject to its governance attains thereby to such pleasantness and abundance of fruits and flowers that if one enters therein he rejoices as though he were amid the delights of paradise. Perchance you wonder and are struck with amazement that any one in this exile of the flesh can be a partaker of so much sweetness, and as it were a fellow-citizen with the citizens of heaven; but whether or not this can be, judge for yourself from the works of the just man. "If I have withheld from the poor their desire, and caused the eyes of the widow to wait; if I have eaten my morsel alone, and the orphan hath not eaten thereof with me (for whom my youth compassion has grown up with me, and came forth with me from my mother's womb); if I have despised the passer-by because he had no garment, and the poor man because he was without a covering; if his sides have not blessed me and if he has not been warmed with the fleece of my sheep; if I have lifted up my hand against the orphan when I saw myself above him in the gate; then may my shoulder fall from its socket, and let my arm be broken with

the bones thereof. For I have ever feared God above me as a swelling wave, and I could not endure the weight thereof. If I have thought that gold was my strength and have said to the fine gold, 'Thou art my trust'; if I have delighted because my wealth was great and because mine hand had gotten much; if I have beheld the sun when it shined or the moon walking in brightness, and my heart rejoiced secretly, and I kissed my hand with my mouth, which is the greatest wickedness, and a denial of God the Most High; if I rejoiced at the downfall of him that hated me and exulted because evil had found him; if the men of my tent have not said, 'Who is it who would give us of his own flesh that we might be filled?'—nor hath the stranger lodged outside my gates, but my door has stood open to the wayfarer—; if like a son of Adam I have concealed my sin and hidden mine iniquity in my bosom; if I have trembled at the sight of too great a multitude, and the scorn of my relatives has terrified me, and I have not rather kept silent, nor ventured out of doors; if my land cries out against me, and the furrows thereof weep with it; if I have eaten of the fruits thereof without payment and have caused the husbandmen to lose their life; then may my wheat grow up as thistles, and instead of my barley a thorn!" [16]

Do you not regard this man as indeed walking in the fulness of God's delights, who out of a pure heart and with a clean conscience and with no pretended faith, confesses such things of himself under such awful imprecations? Who needs any interpretation of such words, or does not see clearly by the light of such virtues? He is dull indeed and a man of blunted intelligence to whom they do not explain themselves. Here are gathered into one many things, whereof each singly would suffice to illuminate a world. If princes scorn to read more or to hear more, let them at least read and give ear to this short passage, and ponder on it with diligent reflection as a model for

[16] Job xxxi, 16–29, 31–34, 38–40.

their imitation. For the same book continues: "If kings hear and keep the word of God, they will fill out their days in prosperity and their years in glory; but if they hearken not they shall pass by the sword, or be consumed by their folly." [17] Do you thus see what is to be the two-fold end of unprofitable kings? Either they will pass by the sword, or they will be consumed by folly. And rightly are they said to "pass" by the sword, and not to be ended by it, because the sword is for them as it were but a passageway to the place where the mighty, in proportion to the multitude of their wickednesses, are punished mightily; but folly, too, consumes the ungodly, because in the enfeeblement of his people the prince's own vigor is sapped; for a wasted people neither can nor will support the power of a prince.

[17] Job xxxvi, 11, 12.

CHAPTER VII

WHAT MISCHIEFS AND ADVANTAGES BEFALL SUBJECTS FROM THE CHARACTER OF THEIR PRINCES; WHICH IS SUPPORTED BY EXAMPLES OF SEVERAL STRATAGEMS.

He that giveth honor to a fool is said to be as one who adds a stone to Mercury's pile. This is interpreted differently by different commentators. For my own part, craving the indulgence of wiser men, I think that by Mercury's pile is signified that which controls the art of calculation, because Mercury is the god of those who transact business and attend vigilantly to their accounts. Therefore, to add a stone to the pile by which the art of calculating is regulated, is to throw the reckoning of all calculations into confusion, just as to confer honor on a fool is to overturn the life of a commonwealth. It is impossible for one to govern others to their profit who trips ever upon his own errors. For it is written, "Where there is no ruler, the people will fall." [1] And elsewhere: "An unwise king will be the ruin of his people, and cities shall be inhabited through the prudence of the wise." [2] "Short-lived is all power; a disease long-drawn out burdeneth the physician. A short disease the physician cutteth off; so a king is today and tomorrow he shall die. When a man dies, he shall inherit creeping things and beasts and worms." [3] Why is it, then, I ask, that the poor are crushed beneath wrongs and outrages, made lean with exactions, despoiled by manifold and oft-repeated rapine, why are the peoples bidden to clash together in arms and shake the world, to no end but that

[1] Prov. xi, 14. [2] Eccli. x, 3. [3] Eccli. x, 11–13.

princes may be succeeded by their natural heirs? For the latter always succeed in their own right; no formality of a will is required, they spring up on an intestacy; willing or unwilling, you will have these heirs to rule over you. In the field of secular literature Plato is said to have written: "When the magistrate oppresses his subjects, it is as though the head of the body were to swell to such a size that the members either have not the strength to sustain it at all, or not without grave inconvenience. This disease can neither be endured, nor yet healed, without causing the sharpest pain to the members. If the disease proves to be wholly incurable, it is more wretched to live on such terms than to die. For nothing is better for the miserable than to put an end to their misery in any way whatsoever." It is written elsewhere that the same author also said: "When the ruler tyrannizes over his subjects, it is as if a guardian were to persecute his ward, or as if you were to cut a man's throat with his own sword, which he had given you, and you had accepted, for the purpose of defending him. For it is common knowledge that the commonwealth enjoys the rights and legal position of a ward, and it advances along the path of good fortune only when its head recognizes that he is unprofitable unless he faithfully coheres to the members." These are his words, and I think well and truly put. But it seems to me that there can be no faithful and firm cohesion where there is not an enduring union of wills and as it were a cementing together of souls. If this is lacking, it is in vain that the works of men are in harmony, since hollow pretence will develop into open injury, unless the real spirit of helpfulness is present. "Dissemblers and crafty men," says Job, "provoke the wrath of God, nor shall they complain when He bindeth them; their soul perisheth early and their life is among the effeminate and unclean." [4] Works may be the result only of a sense of propriety, or sometimes of fear. But the

[4] Job xxxvi, 13, 14.

solidest union is that which is cemented with the glue of faith and love, and stands wholly upon the foundation of virtue. Nevertheless works, because they are an indication of character, win favor; and nothing is more useful or more effective toward securing the position and success of magistrates. Hence the words of that excellent emperor, or (if you prefer) of the excellent poet who puts them into his mouth, since there can be no doubt that both were of the same opinion:

"Be pious before all else; for if we are surpassed in every virtue,
Mercy alone makes us equal to the gods.
Act not on doubtful suspicions, nor be false to your friends,
Or eager for rumors; who heeds such things
Will tremble at every idle sound, and no hour will be free from anxiety.
Wakefulness and spears standing guard give no such security
As when love keeps watch. You cannot extort love by force;
It is the gift of mutual faith and simple favor." [5]

Once Alexander, when leading an expedition in the winter, was sitting by the fire and began to inspect his troops as they marched past. Seeing one soldier almost lifeless from the cold, he had him sit down in his own place, saying: "If you had been born among the Persians it would be a capital offence for you to sit in the king's seat, but it is the privilege of a man born in Macedonia." Another story is told of the same king to this effect: When news was brought to him that a virgin of surpassing beauty, who was betrothed to the prince of a neighboring nation, was among the captives, he preserved the highest degree of abstinence with regard to her, not even going to look at her; and shortly afterwards he sent her back to her betrothed, and by this act of kindness won for himself the good-will of that whole nation. Thus by his humanity he won to him the minds of his own subjects, and by his justice those of alien

[5] Claudian, *IV Cons. Hon.*, ll. 276–283.

peoples. We read that Scipio Africanus pursued the same course in Spain, when a noble virgin was brought before him who by her beauty drew to herself in admiration the eyes of all beholders. He restored her to her betrothed, Alicius by name, adding the gold which her parents had brought to ransom her from captivity, as a dower for the virgin or a wedding gift for the husband. By this double generosity the whole nation was conquered, as perhaps it would not have been otherwise, and was annexed to the people of the Roman empire. While Camillus was besieging the Falisci, a school-master of the city brought some of the children of the Falisci outside the walls as if for a stroll and then handed them over to Camillus, saying that by holding them as hostages he had the means of compelling the city to do his bidding. But Camillus not only spurned this perfidy, but binding the school-master's hands behind his back, delivered him to the children to be whipped back to their parents with rods; and by this act of kindness he won the victory which he had not been willing to win by fraud; for because of this act of justice the Falisci surrendered of their own free will. There is another instructive story concerning this same Camillus which shows him in a not less noble light. For after he had subdued cities and enjoyed notable triumphs, he was condemned and banished from Rome because of the envy which he had aroused among the military element, on the pretext that he had unfairly distributed the common booty. Afterwards when the Senonian Gauls broke into the city, having defeated the Romans at the eleventh milestone near the river Allia, nor in the city itself could any place be held against them but the Capitol, money was paid to induce the Gauls to withdraw. Then Camillus, sympathizing with his fatherland in spite of its ingratitude, fell upon them and cut them to pieces, recovered the money from them, and brought back the Roman eagles. Wherefore in the sixth book of Virgil, Eneas among his other descendants is shown

"Camillus, restorer of the ensigns." [6]

And he was recalled from his exile, and entering the city in a third triumph, was called a second Romulus as if he had founded the city anew.

Julius Iginus in the sixth book of his "Life and Deeds of Illustrious Men" tells the following incident of Fabricius (the preceding ones are from Plutarch's "Instruction of Trajan," and from the "Book of Stratagems" of Julius Frontinus): There came envoys from the Samnites to Gaius Fabricius, who reminded him of the many and important services and acts of good-will which he had done for the Samnites since the restoration of peace, and begged him to accept the gift of a large sum of money for his own use, as it was obvious that so important a man must have many needs for his necessary living expenses and to maintain the splendor of his household. For this was not luxurious or corresponding to the greatness of the man or the worth of his virtues. But Fabricius passed the flat of his hands from his ears to his eyes, and then lower down to his nostrils and throat and mouth, and then to his belly and below, and answered the envoys in these words: "While I can resist and control all these members which I have touched, I shall lack for nought. Therefore keep your money, which you need for your own use, and do not force it upon those to whom it is neither necessary nor welcome; Romans do not care to own gold, but to rule over those who own gold." [7] This is the story of Julius Iginus. But Frontinus tells that when Fabricius was commanding the Romans, a doctor of Pirrus, the king of the Epirots, came to him and promised that he would give poison to Pirrus if he were paid what the deed was worth. Fabricius, not thinking that he stood in need of such villainy to win the victory, discovered the physician to the king, and for this act of good faith he was well rewarded, for he compelled Pirrus to sue for the friendship of

[6] *Aen.* vi, 825.

[7] Aulus Gellius i, 14.

the Romans. I will not meddle in the controversy about this incident between Valerius Maximus and Claudius Quadrigarius concerning the name and office of the traitor. Whether, according to Valerius, he was Timocares the father of the king's cupbearer, or, according to Quadrigarius, Nicias the physician, I do not greatly care, so long as both authors agree that the consuls of the Romans vanquished Pirrus because they had scorned to take advantage of treachery. Quadrigarius further relates that the letter of the consuls to Pirrus was in these words: "The Roman consuls send greeting to Pirrus the king. For the wrongs that you have done, our purpose is steadfast and unmoved to make war against you as enemies; but with due observance of good example and good faith. Therefore it has seemed to us that we should desire your life to be preserved to the end that we may be able to vanquish you by arms. There has come to us Nicias your attendant, asking a reward from us if he killed you secretly. We declare that this is not our wish, and we have announced to him that he was not to expect any advantage from us by reason of such a deed. At the same time, it has seemed good to us to send you this information for fear that if anything of the kind happened it might be thought to have been done by our counsel, and to the end that the cities may know that we do not care to fight by means of promises and bribery and treachery. If you do not take precautions, you will be done to death." [8] Why should I refer to the fact that when Pirrus had offered him half his kingdom as the price of granting him peace on equal terms, he spurned the offer? Nor would he consent, either, to receive half of the kingdom at the price of promising friendship to the king. And when the illustrious Cineas, who had been sent to Rome and returned, was asked what manner of place Rome was, he replied that he had indeed beheld a nation of kings, for there practically all held the same

[8] Aulus Gellius iii, 8.

position which Pirrus alone held in Epirus and the rest of Greece. Then, hearing of the steadfastness of Fabricius, the king said, "This is assuredly the Fabricius whom it would be more difficult to turn from the path of virtue than the sun from his course."

The Emperor Cæsar Augustus Germanicus, in the course of the war which won for him the surname of Germanicus because of his victory over the enemy, having built a fort for his troops on the boundary, gave orders that payment should be made for the produce of the localities, which he enclosed with a wall. The reputation for justice which he thus acquired attached to him the loyalty of all.

What shall I say concerning self-restraint and contempt of possessions, since I have also promised some of the stratagems of Plutarch? There is a tradition that Marcus Cato was content with the same wine as boatmen. Attilius Regulus, after he had held the most important commands, was still so poor that he supported himself and his wife and children from a small farm which was tilled by a single laborer, and when he heard of the death of the latter, he wrote to the Senate about appointing a successor for himself, saying that his private affairs had been so reduced by the death of his slave that his presence was necessary at home. Gneius Scipio, after his successes in Spain, died in the greatest poverty, not even leaving sufficient money to provide a dowry for his daughters; so that because of their indigence the Senate granted them dowries at the public expense. The Athenians did the same for the daughters of Aristides, who died in utter poverty after administering the most important affairs. Hannibal, who was accustomed to rise while it was yet dark, never retired to rest before nightfall, but at dusk invited his companions to dinner and never were more than two couches needed for his guests. When he was serving under Hasdrubal's command, he generally slept on the bare ground, covered only with a military cloak. It is told of Emilius Scipio that he was

accustomed to eat on the march as he walked with his friends, taking bread with him. The same story is told of Alexander of Macedon. Augustus Cæsar was most sparing in his diet, and ate the plainest food. He was especially fond of bread of the second quality and of small fishes, of porous cheese pressed by hand, and of green figs of the kind that bear twice a year. He ate before dinner at whatever time and place his stomach desired food. Hence he says in one of his letters: "No Jew, my Tiberius, keeps his sabbath so diligently as I have kept today, for I only chewed two mouthfuls in the bath after the first hour of night and just before I began to be anointed." [9] Also his anger cooled very quickly, for he perceived that an angry man cannot change his mind, and, therefore, as he used to say, they are cooked up more quickly than asparagus; which was his favorite expression for too precipitate action. In his talk he used this and other quaint turns of speech, as is shown in his autograph letters, wherein, for example, when he wished to say that a thing would never happen, he would say that it would happen at the Greek Kalends. We read that Massinissa, when in the ninetieth year of his age, was accustomed to take his food at midday, while standing or walking before his tent. Gaius Curius, when after his victory over the Sabines he was voted by decree of the Senate the quantity of land which eminent soldiers were in the habit of receiving, contented himself with the portion of a common soldier, saying that a man was a bad citizen who was not satisfied with the same share as others.

Whole armies have been notable for abstinence, as for example that which won fame and glory under Marcus Scaurus. For Scaurus has perpetuated the memory of his soldiers' abstinence: "There was an apple tree," he says, "at the foot of the camp, and included within its limits; and on the last day, when the trumpeters were sounding the march and we were de-

[9] Suetonius, *Augustus*, 76.

parting, the army left with the fruit untouched and the tree unharmed." In the reign of Cæsar Augustus Domitian, during the war which was begun by Julius Civilis in Gaul, the wealthy city of the Lingones, which had revolted to Civilis, feared that it would be sacked by the approaching army of Cæsar, and when, contrary to expectation, it was left unharmed and lost none of its possessions, it returned to its obedience, and surrendered seventy thousand armed men. Lucilius Mommius, who after the capture of Corinth adorned not only Italian soil but also the province with its pictures and statues, kept nothing from the enormous booty for his own use, so that the Senate even gave a dowry to his daughter from the public funds because of her poverty.

Steadfastness was another virtue for which the Romans were very famous, as appears from several stratagems. Indeed, the splendor and virtue of that people is not surpassed if you search through the histories of all the nations. This is shown by the grandeur of their vast empire, than which the memory of man records none that was smaller at the beginning or grew to greater size through the continual addition of successive increments. For by the cultivation of peaceful liberty and justice, by reverence for the laws, and by friendly alliances with neighboring peoples, by ripeness of counsels and by the sageness of their words and deeds they brought it to pass that they subjected the entire world to their sway. But, since I commenced to speak of their steadfastness, let one example from the stratagems of Julius Frontenius be set down as representative of many. When Hannibal was camped before the walls of the city, they sent out by a different gate reinforcements to the armies which they had in Spain that they might in this way show their confidence and assurance. Likewise the very field in which Hannibal had his camp, the owner thereof having died, was put up for sale and sold at the same price which it had brought before the war.

Furthermore, at the same time when they were beseiged by Hannibal, they themselves were beseiging Capua, and they passed a decree that the army should not be recalled thence until after the city had been taken.

CHAPTER VIII

WHY TRAJAN SEEMS WORTHY OF PREFERENCE BEFORE ALL PRINCES.

To conclude these borrowings from Plutarch's "Stratagems" with the case of Trajan, so great was the courage of this emperor and his skill in government, that he extended far and wide the boundaries of the Roman empire, which since the time of Augustus had been rather defended as they were than nobly advanced and augmented. Yet he kept military glory at all times within the bounds of moderation, showing himself just to all men both at Rome and throughout the provinces, visiting his friends to pay his respects to them, or when they were sick, or on holidays, exchanging informal meals with them, making use of their carriages and garments quite as if there were no distinction of rank between himself and them, enriching all men publicly and privately, bestowing immunities generously upon cities, decreasing the tribute of the provinces, oppressing none, beloved by all, so that down to our own day princes are wont to be acclaimed in their councils with the words, "May you be more fortunate than Augustus, and better than Trajan!" For in such terms has his memory been handed down, and so mightily has the reputation of his goodness prevailed, that he occurs at once to admiring friends or flatterers as the most superb example and comparison. Julius is justly praised for the greatness of his unconquered spirit, and for the power of accomplishment of a man whose mind and hand were equal to almost impossible performances. His greatness in arms is evidenced not merely by his conquest of the Gauls and Britons,

whom he was the first to subdue, but by the whole successful history of the civil war as well, and by the line of emperors of the house of Cæsar. So great was his literary skill that he could dictate four letters simultaneously. His learning in the civil law is shown by the old Roman statutes. How ceaselessly he applied the strength of his mighty intellect to philosophy would be proved, if by nothing else, by his invention of the intercalary day. But, most marvellous of all, he gave his attention at the same time to love and to business, and in each thing that he undertook, was so great that he seemed devoted to that alone; so that he was at one and the same time the whole of each and all things.

The praise of Augustus is celebrated by all the world, and memory takes pleasure in revering Titus as the darling and favorite of the human race. But I do not hesitate to prefer Trajan before all of these because he founded the greatness of his reign solely on the practice of virtue. According to the ethical poet,[1] "He who has done rightly is to be regarded as a king." To the same effect is the advice which Claudian puts into the mouth of Theodosius:

"Though thy rule extends far over the utmost Indies,
Though the Mede, the soft Arabian, and the Chinese adore thee,
Still if thou art a prey to fear, desirest wrong and art swayed by wrath,
Thou wilt bear the yoke of slavery and be subject within thyself
To unjust laws; then only wilt thou have a just title to rule over all things
When thou canst be king of thyself; habit slips easily downhill
From bad to worse; privilege lures on to luxury,
And, if given free reign, succumbs to wanton charms;
'Tis the harder to live chastely when love is so easy; 'tis the harder to govern wrath
When the instrument of punishment is in our hands:

[1] Hor., *Ep.*, i, 1, 50–60.

Wherefore, suppress thy emotions;
And think not of what thou hast power to do, but of what it will become thee to have done,
And let regard for the right ever rule thy mind." [2]

Even those who think that others are to be preferred before Trajan may be the more readily brought to join in his praise when they read that his virtues were commended by the most holy Pope Gregory who, by his tears shed for that emperor, delivered him from the fires of the underworld, God in the richness of His mercy rewarding the justice which Trajan had shown to the weeping widow. For once when the famous emperor had mounted his horse to set forth to war, this widow, seizing his foot, and miserably lamenting, besought him that justice might be done her against those who had foully slain her son, a fine blameless youth. "Thou art emperor, O Augustus," said she, "and must I bear so cruel a wrong?" "I will see that thou have satisfaction," replied the emperor, "when I return." "And what if thou dost never return?" she asked. "Then my successor," answered Trajan, "will give thee satisfaction." "But how," she asked, "wilt thou then profit by the good deed which another does? It is thou who owest this thing, and thou shalt be rewarded according to thine own works; it is fraud for one not to render that which he owes. Thy successor will be bound on his own account to those who suffer wrong; thy debt will not be discharged by the justice which another does; well for thy successor if he discharge his own debts!" The emperor, moved by these words, dismounted from his horse, and immediately examined the case, and brought consolation to the poor widow by giving her the satisfaction which was due to her. Therefore it is said that the blessed Pope so long shed tears for him until it was notified to him in a revelation that Trajan had been set free from the pains of Hell, on

[2] Claudian, *IV Cons. Hon.*, ll. 257–268.

this condition, however, that Gregory should not again presume to solicit God on behalf of any other infidel. Therefore does he rightly deserve to be preferred before others whose virtue was so pleasing to the saints that for their merits he, and he alone, was set free. So much concerning the head of the commonwealth.

CHAPTER IX

CONCERNING THOSE WHO FILL THE PLACE OF THE HEART IN THE COMMONWEALTH, AND THAT UNJUST MEN ARE TO BE EXCLUDED FROM THE COUNSELS OF RULERS: AND OF THE FEAR OF GOD, AND OF WISDOM AND PHILOSOPHY.

The place of the heart, on the authority of Plutarch, is filled by the senate. Now "senate," according to the opinion of the ancients, is the name of an office, and its distinguishing mark is old age; the word senate is itself derived from "senectus," which means old age. The Athenians called it Areopagus, as if for the reason that in its members was gathered the strength of the whole people; and although that nation made many notable inventions, they established nothing more wholesome nor more famous than their senate. For what is more noble than an assembly of elders, who having faithfully completed their terms in the ordinary offices, then pass on to the duty of giving counsel and exercising rulership, and in feeble bodies thus put forth the strength of the mind? They are the better fitted to the business of wisdom in proportion as they are the less able to perform feats of the body. Truly they came into such honor among the Greeks that the leaders of the commonwealth nowhere took any step, and nothing considerable was done, which the appointed elders did not initiate or approve; and what is more, from the foundation of the City [of Rome] their names were inscribed in letters of gold, and they were therefore called by all "conscript" fathers, as excelling all others in wisdom, age, and fatherly affection. In their hands was the authority of counsel

and of carrying out all public undertakings. Moreover, though we have seen that their name was derived from their age, I think that what was meant was not merely age of body but of mind.

For age of mind is the wisdom which consists in properly apportioning all duties and in practising the whole art of life. For the art of right living, as the Stoics thought, is the art of arts. To say that there is no art of the greatest of all things, although everyone admits that the minor things have each their respective art, is an opinion of those who speak with too little reflection, and who in respect to the largest things fall into the error of thinking that everything is a matter of the arbitrary will and discretion of those who make decisions, instead of being rather a matter of truth and science.[1] But there is, as the ancient philosophers knew, a supreme guiding principle of things divine and human, namely wisdom, and a science of things to be done and to be left undone. To apply one's self to this is to philosophize, for philosophy is the study of wisdom. Therefore, as the ancients thought, philosophy knocks at the gate of wisdom, and when it is opened to her and the soul is sweetly illuminated with the light of things, the name of philosophy then vanishes; or, as has seemed to the clearer-sighted, the desire of the will is then fulfilled with satisfaction, and the flower of study turns into the fruit; for philosophy finds its completion and end in wisdom. But I know not by what means we can become conversant with the end before we know the beginning, which in all things is regarded as the most effective part. Truly, he who knows the end cannot be ignorant of the beginning, since the beginning is the root which through the manifold paths of virtue pushes its way upward, and penetrates by its firmness and lively energy to the crown of the end and the sweetness of the fruit.

"Behold," says blessed Job, "the fear of the Lord is wisdom,

[1] Quoted from Cicero, *de Off.*, II, ii, 6. John adds the last clause.

and to depart from evil is understanding." [2] I find nowhere any other root of wisdom, since all agree in this, that the beginning of wisdom is the fear of God. Fear, then, is the beginning, and in fear is the increase; and the apex of all the virtues, whether you call it charity or wisdom, is not far removed from fear. Distinguish, however, servile from filial fear; the former is the beginning, the latter the achievement and perfection, of wisdom. In whatever manner the pomp of words clothes its vanity, the truth is that wisdom begins in fear, and that the holy fear of the Lord endureth forever. And so the root remains, and, drawing strength from increments of grace, puts forth into the branches of the virtues, until its vital force issues finally in the fruit of perfected charity, which no longer acts under the stimulus of penalties; for in charity there is no terror or servile fear, which acts by penalties, but rather it is the mark of this holy fear that it continually performs good works, and, clinging to justice, holds it fast. Terror then is seen to pass away, while grace grows into virtue; because now there is no servile fear, but instead filial affection, which instigates to reverence and good works. "Always have I feared God," says blessed Job, "as waves swelling over me, and I could not endure the weight thereof." [3] Note that he does not say that he feared Him sometimes, but always, and there is no doubt

[2] Job. xxviii, 28. Cf. with this passage Fortescue, *"De Laudibus Legum Angliae,"* c. i.: "Of what nature is the fear which the laws propose to the keepers thereof? Verily it is not that fear whereof it is written that 'perfect charity casteth out fear'; and yet even the latter sort of fear, though servile, often stirs up kings to read the laws, though it is not itself the child of the law. But the fear whereof Moses here speaks, and which is the child of the law, is that whereof the prophet says, 'The holy fear of the Lord endureth forever.' This fear is filial, and knows no dread of penalties, as does the fear which charity casteth out; for this fear proceeds from the laws, which teach to do the will of God, whereby it escapes deserving punishment. This fear is the same which Job speaks of: 'Behold the fear of the Lord, that is wisdom; and to depart from evil is understanding.'"

[3] Job xxxi, 23.

that he who said this was a perfect man, and one who, according to the testimony of God himself, had not his like upon earth. It is not credible that he refrained from evil solely through terror of punishment and without the active impulse of charity, being a man who beyond doubt was consummate and perfected in justice.

So far my argument has advanced in praise of fear, but what fear is we have left as yet unconsidered. And would that it might be fixed in the heart instead of the word being continually rolled over and over in the mouth! For if it has once touched the mind, the tongue will discourse more effectively and with greater profit to itself. For it is vain to turn over words in the mouth if the works of virtue are wanting. The fear of God, then, as the blessed Pope Gregory asserts, is nothing else than not to omit to do any of the things which it is our duty to do. To omit to do a thing means not to perform it either in fact or in will. For what you will to do, but have not the power to accomplish in fact, God will none the less regard and impute to you as done, for a fully completed act of will receives the reward of the intended act as though the latter were in truth accomplished.

It is certain that he who fears God, omits nothing and does good works. A man who searches diligently into all things, and knows the things which ought to be done, and does them, is verily a wise man and such as is most fit to be a counsellor of princes. Where such gravity of character is observed to exist, the question of bodily or physical age is not material. For he is truly an elder whose wise advice shows him fit to be chosen to give counsel. For it is written, "Old age is worshipful not in days, nor reckoned by the number of years." [4] "The glory of old men is their white hair." [5] "White hairs are a man's understanding and old age is a spotless life." [6] Happy

[4] Wisdom iv, 8. [5] Prov. xx, 29. [6] Wisdom iv, 8, 9.

indeed is the man who attains to this kind of old age, so that by the testimony of his own conscience he may take pleasure in the innocence of his life!

But perhaps you will say: "Who is this man? Show him to us and we will praise him."[7] Truly I do not think that we can wait to find a man for counsellor who has never once sinned, but only one who takes no delight in sinning, who hates sin, and rejoices in virtue, and desires it with a great desire, or in other words, a man of good-will. But even this is not to be pushed to extremes; rather, as the common saying is, "with due allowance for the limitations of human nature," a man who appears blameless when judged not by an absolute standard, but in comparison with others. For who will boast that he has always kept his heart clean, since not even the stars are clean in the sight of Him who has found wickedness even in His angels?

Unjust men are therefore to be excluded, and men who are overbearing and avaricious, and all such manner of human plagues. Nought, indeed, is more deadly than the unrighteous counsellor of a rich man. "With all watchfulness," it is written, "guard thy heart, for it is the source of life."[8] Therefore the ruler should provide that his counsellors be not needy, lest they covet immoderately the things of others. The same principle extends to all whose duties touch the inner parts of the body of the commonwealth, and whom we called above financial officials and bailiffs and overseers of private property. For all these must have subsistence in sufficient quantity, and this should be interpreted on the basis of necessity and usage, having due regard to distinction between persons. For if it is absorbed too greedily and not sufficiently distributed, distempers will be produced which are incurable, or difficult to cure. Certainly it is impossible to seek justice and money at one and the same time; either a man will cleave to the one and despise the other,

[7] Eccli. xxxi, 9. [8] Prov. iv, 23.

or else he will be perverted by the worse and lose the better. For according to the testimony of Wisdom, "there is nought more wicked than a covetous man, and nought more unjust than love of money; for such a one setteth even his soul to sale and while he liveth, he hath cast away his bowels." [9] And perchance it is for this reason that mother nature, the most loving of parents, has prudently protected the inner parts of the body with the crating of the chest and the solid structure of the ribs and the barrier of the outer flesh, to the end that they may be the more safe against all violence from without; and then proceeds to supply them with their several necessities; nor are they ever exposed to external contacts without injury to their health. So in the commonwealth it behooves us to follow this pattern of nature's craftsmanship and from the public store supply these officials with a sufficiency for their needs.

[9] Eccli. x, 9, 10.

CHAPTER X

OF THE SIDES OF RULERS, WHOSE NECESSITIES MUST BE SATISFIED AND THEIR MALICE CURBED.

The same rule of nature is also to be followed in the case of the "sides," namely those whose duty it is to attend upon the prince. For it is clear that character is formed from association. "He that toucheth pitch is defiled thereby," [1] and

"One bunch of grapes is spoiled by contact with another." [2]

You cannot suppose that justice or truth or godliness are at home with men whom you see putting all things up for sale. They bar out Christ Himself, and, though He knocks at the gate, it is not opened to Him; they fly from God's grace, and put God's grace to flight, who do all things for a price and nothing gratis. If petitions are to be furthered, if a case is to be examined, if execution is to be issued on a judgment, if a bond is to be furnished, money is the sole driving-force, truth is blind, piety limps, while

"The money which a man keeps in his strong-box
Is the measure of the credit given to his oath." [3] "The poor man is thought
To defy the lightnings of the gods and even the gods themselves pardon him therefor." [4]

The more corrupt a man is in character and the more given to corrupting others by bribes, the more favor he enjoys in the

[1] Eccli. xiii, 1.
[2] Juv., *Sat.* ii, 81.
[3] Juv., *Sat.* iii, 143, 4.
[4] Juv., *Sat.* iii, 145, 6.

eyes of this kind of people. If you will escape from the hand of princes, a long road stretches before you, and a narrow and a steep one; before you get clear of the last torturers you will sweat much. Cossus prepares your papers; if you are permitted to pay your respects to him, count it as a great thing. If you do not bring the proper passport with you, you approach him in vain. But if you have brought it, then it is of no use, and he will not consent to soil his noble hands with the taint of parchment. What more should I say? You must buy some of his, since neither attention nor pen nor the juice of sepia or the black cuttlefish will be supplied you unless you buy and pay for them. If you do not make him favorable to you, he will so twist the very syllables and strokes of the letters, he will lay so many verbal snares for you in a seemingly friendly instrument, as to write you into war rather than peace, into litigation rather than security. If you chance to have a handsome belt, a good trencher, or anything else especially attractive in the way of small fittings, add it to his possessions, if you do not wish to lose all your trouble and expense. For it will be wrung from you by direct requests if you do not forestall these by your own generosity. In the end your friend will even carry away your hat, no matter how mean it is, to remember you by. Now you are clear of Cossus, but the fire of purgatory threatens you, Vegento is still left, whom you will have to solicit insistently and with a whole skilful battery of gestures, prayers, and gifts to move him even to look at you without opening his lips. Then follow consultations about each word, he fixes a time for deliberation, and even the t-strokes are weighed in the balance. Unless you soften him in advance you will be met with the objection that your order of statement is wrongly conceived, or that the style is inartificial, or that the partiality of the notary or scribe, or his ignorance of law, has departed from the prescribed form; and there is always some knot which requires money to untie. The least of your troubles is that you will be racked by long de-

lays, while that is postponed which cannot be denied to you. Believe a man who speaks from experience, I have fallen into their hands a thousand times, and, to borrow somewhat from ancient fable, the harsh porter Charon, who never spares anyone, is far more merciful than they; for it is said that he is usually content with a *triens,* or other small coin; while these people demand whole pounds, multiplied many times over, for their hire.

But why should I complain that among the court officials all things are for sale when even things which are not, namely omissions and inaction, are also matter of venality? Not merely is there no act, no word, to be had without payment, but they will not even keep silent unless paid a price; silence itself is a thing for sale. This perhaps they have learned from Demostenes, who once asked the player Aristodimus how much he had been paid for acting. He replied, "a talent." "I have been paid more than that," said Demostenes, "for keeping silent." For the tongue of pleaders can be most damaging unless, as the saying is, you tie it up with silver cords.

Nor is it worth while simply to snare one official in your net with gifts unless he happens to be an extremely influential one, because by winning for yourself the favor of one, you excite the envy of all the rest. For they regard themselves as deprived to their own hurt of whatever is bestowed upon others. This attitude runs down from the greatest to the smallest, who, unless they are softened by attentions and refreshed with gifts, imagine that they are being wronged.

"Every great house is full of overbearing slaves," [5] and likewise of greedy and grasping ones.

Among all the idle parasites of the court, those are the most harmful who are wont to color their wretched tricks under the pretext of gentlemanly liberality, who go about handsomely at-

[5] Juv., *Sat.* v, 66.

tired, feast splendidly, frequently invite strangers to dine at their table, are kindly at home, benign abroad, affable of speech, liberal in their opinions, munificent in cultivating their neighbors, and famous for their imitation of all the virtues. As the ethical writer [6] says, "Of all varieties of injustice there is none more capital than that of those who at the very moment when they are most false so act as to seem virtuous. These men employ the appearance of virtue as a cloak for license; and seek to make of acts which should scarcely leave room for hope of pardon, a substantial ground of glory and reputation." The greatest exactions can be extorted with impunity by men who cannot, or rather who disdain to, be content with little. It is a well-known and common proverb that

"He will forever be a slave who does not know how to get along with a little." [7]

That I may not be thought, however, to wage implacable warfare against these people, I am willing to concede that court officials may accept gifts so long as they do not shamelessly extort them. For shame is cast away as soon as they descend to making exactions. It is written [8] that the words, "I ask," are words which a supplicant should speak modestly and with a low voice; and a man who receives in response to his asking cannot be said to receive gratis. For a man who asks buys at a double price; he sells his modesty at the price of the thing asked for, or for the hope of it. The stigma of shame does not justly attach to gifts which are offered by and accepted from the liberality of the donor, and which are not extorted by the infamy of the suitor. But the gifts of unjust men should not be accepted, since a man will be ungrateful if he does not return kindness for kindness, and the Lord Himself says that it is unjust to give

[6] Cic., *de Off.* i, 13, § 41.
[7] Hor., *Ep.* I, 10, l. 41.
[8] Seneca, *Benefic.* ii, 2, § 1.

judgment in favor of a wrong-doer in return for gifts.[9] In any event, to accept a kindness is to sell one's freedom; and it is shameful for those men to be slaves whose duty it is to rule over others. However, regard should be had for the case and the person; gifts should not be received from an infamous giver nor under infamous circumstances; but the time, the place, and the manner should be thoroughly looked into. Gifts are either honorable or sordid most frequently by reason of the donor or the cause of the gift; occasionally by reason of the time, the place, or the manner. However, the dishonesty of court officials is so well-known that it is vain for a suitor to place his trust in the testimony of his conscience, the integrity of his character, his unblemished reputation, the genuineness of his case, or the eloquence with which it is presented, without the intervention of a bribe:

"Though you should come in person, accompanied by the Muses, Homer,
If you bring nothing in your hand, Homer, you will be turned out of doors."[10]

Orpheus is said not merely to have tamed lions and tigers by the effect of his eloquence, but before Dis himself his voice did not falter but rather grew more sweet; and his appealing case prevailed upon the three-headed dog so that he was permitted, contrary to the custom of the underworld, to carry back Euridice after she had once entered. But though you should be Orpheus, or Arion, or he who according to the tale melted the rocks with only the music of a shell, you will accomplish nought among the court officials unless you soften their leaden hearts with a hammer of gold or silver on the anvil of vanity or greed. All men abhor the pitilessness of Cerberus; I am certain that I have seen

[9] Isa. v, 23.

[10] Ovid, *Ars. Amat.* ii, 279–280.

ushers who in comparison with Cerberus were still more pitiless. Besides, in the underworld there is only one Cerberus; at the court there is a Cerberus in each of the cubbyholes set apart for an official to lurk in. You will have these bureaucratic Cerberuses upon you with their whole brood forever biting or barking. I suppose they have all heard the physicians saying in unison, "When you have a pain, take something"; so that they are always ready, if they think it to their advantage, to create a pain in a healthy organ. There is one point, however, wherein you will marvel to see how dutiful they are, and that is the joy with which they listen to quarrels, foment the cases of the humble and extend their protection to the afflicted whenever they can thereby drain the strong-boxes of the rich. For however the case goes, it always turns out that their coffers are well filled in spite of the fact that their avarice is insatiable. If the man who falls into their hands repents, I think that the torments which he suffers from them will be sufficient penance to absolve him. There is no sin so grave that it cannot thus be expiated. For what greater misery is there than to wait upon the thresholds of the proud, to endure the arrogance of passers-by, to be trodden under the contempt of the contemptible, to bear annoyance from outcasts, and to suffer every sort of indignity from the unworthy? Socrates was once asked by Alcibiades why he did not drive out of his house Xantippe, who was an extremely ill-tempered and quarrelsome wife, and night and day kept up a continual stream of shrewishness. He replied that by enduring such a woman at home he practised and accustomed himself to bear more patiently the ill-humor and abuse of others out of doors.

There is a well-known old proverb that the petition of an empty hand is a rash one; and he is indeed an unpractised suitor who thinks that things will be given in exchange for words. For everywhere among courtiers and physicians the rule applies:

"In exchange for words we prescribe mountain herbs;
For things of price we give drugs and spices." [11]

Of course there are always a few among the rest who are more kindly disposed, but these can do but little, as almost all are inclined toward harm, which is a far easier thing than to be helpful. So let them ply their traffic, draining the coffers of others, stuffing their own, possessing as much as Pacuvius, piling up gold as high as mountains, loving no one and loved of none, the admiration of all who do not know them, but scorned or hated by their familiars. You will find this situation noted in the writings of the old Romans. When Publius Cineas Grecinus (or any other name will do as well) was blamed by his friends because he divorced his wife, who was beautiful, chaste, and of noble birth, he replied, "Yes, and this shoe which you see is new, fashionable and attractive to all who see it, but no one besides myself knows exactly where it pinches."

We read in the book of Numbers that Israel by fornicating with the Madianitish women provoked the anger of the Lord, until with a drawn sword Finees pierced Zambri the son of Salu with his Madianitish paramour, and in the destruction of the evil-doers the wrath of God was appeased. The Lord then spoke unto Moyses, saying: "Take all the chief men of the people and hang them up on gibbets against the sun." [12] It was the people who had sinned, and the fornication of the chief men is not expressly mentioned, but none the less the command was that the chief men should be taken first and brought to the gallows to the end that through their punishment peace might be restored to the offending people; for the negligence of rulers is most often the source of the wickedness of the subjects.

Therefore, it is important to the prince to curb the malice of his officials and provide for them out of the public funds to the

[11] Regimen Sanitatis, seu Scholae Saliternae; see Webb, vol. i, p. 327.
[12] Numbers xxv, 4.

end that all occasion for extortion may be removed. As was anciently provided in the Roman law, so generally it seems fair and just to regard a man as the author of a misdeed which he might have corrected had he not scorned to do his duty. The more famous and powerful is a court, the more thickly and harmfully it is generally infested with these scourges of mankind, these torturers of the innocent. For it commonly happens that a court receives vicious men, or else soon makes them vicious, and their boldness in wrong-doing increases because, through the friendship of those in high place, their vices are treated with indulgence. It is vain to rely upon the strength of good qualities formed earlier in life, since it is almost impossible for a man to retain his innocence among courtiers. Who is there whose virtue would not be destroyed by the follies of the courtiers? [13] Who is so strong, so firm, that he cannot be corrupted? The best man is he who resists longest and most effectively, and is corrupted least. For, if virtue is to be preserved intact, the only way is to flee from the life of the court. The author of the following lines expressed the nature of a court with prophetic insight:

> "Let him depart from court
> Who desires to be righteous." [14]

Whence it has been aptly compared to the fountain of Salmacis,[15] ill-famed for its enervating effects. Its waters, according to

[13] The "follies of courtiers" is the subtitle of the Policraticus (*"Policraticus, sive De Nugis Curialium et Vestigiis Philosophorum"*), and is the central theme about which the book was built. It was a title and theme which immediately found imitators. In the next generation Walter Map entitled his important work "De Nugis Curialium," borrowing the title, his recent translators suggest, from John of Salisbury (*Walter Map, "De Nugis Curialium," Englished by Tupper and Ogle,* introduction, p. xx.). Giraldus Cambrensis wrote of the "follies of courtiers" in the introduction to his *"De Principis Instruction"* (*Opera,* Rolls Series, vol. VIII., p. lvii).

[14] Lucan, *Phars.,* viii, 493.

[15] Ovid, *Metam.,* iv., 285 ff.

the tale, were fair to the sight, sweet to the taste, pleasant to the touch and most agreeable to every sense, but so enervated all men who entered therein that they made them effeminate and deprived them of their nobler sex; and no man came forth therefrom without perceiving to his amazement and sorrow that he had been changed into a woman. For either his sex was totally destroyed and converted into the weaker counterpart, or else some trace of its old dignity remaining, he became a hermaphrodite, who by a sport of erring nature wears the likeness of both sexes without retaining the true substance of either. This poetic fiction represents the nature of the life at court, which enfeebles men by the loss of their manhood or perverts them while they yet retain its semblance. For he who has plunged into the follies of that life and still wears the outward semblance of philosophy and goodness, is like a hermaphrodite who deforms womanly beauty with a harsh and bristly countenance, while he pollutes and defiles manhood with womanish weakness. Such a monstrous thing is a courtier-philosopher, who, while he affects to be both, is neither, because the court casts out philosophy utterly, and the true philosopher will in no wise participate in the follies of a court. The simile, however, does not hold good for every court, but only for one which is made sick by the rule of an unwise prince. For a wise man drives away all nonsense, sets his house in order, and composes all things under him to reason. As the book of Wisdom says: "What fellowship hath a holy man with a dog, or light with darkness?" [16] "Every living thing delighteth in its like, and every man in his like. All flesh consorteth with its like and every man will associate with his like. If ever the wolf holds fellowship with the lamb, such is that between the sinner and the righteous man." [17]

[16] Eccli. xiii, 22; 2 Cor. vi, 14.

[17] Eccli. xiii, 19–21.

CHAPTER XI

OF THE EYES, EARS, AND TONGUE OF RULERS; AND OF THE OFFICE OF GOVERNOR; AND THAT A JUDGE SHOULD HAVE KNOWLEDGE OF THE LAW AND OF EQUITY, A WILL DISPOSED TOWARD GOOD, AND ADEQUATE POWER OF ENFORCEMENT, AND THAT HE SHOULD BE BOUND BY AN OATH TO KEEP THE LAWS AND SHOULD BE FREE FROM THE TAINT OF RECEIVING GIFTS.

Next in order comes the simile of eyes, ears, and tongue, which, as above-mentioned, is applied to provincial governors. A governor is one who presides over the administration of justice among the people of a province. He therefore should have knowledge of the just and the unjust, and should have the means and the will to enforce justice. For although the common lot of death ought not to be imputed to the physician, yet if tragic consequences are the result of his ignorance or lack of skill, they are deservedly charged to him. Furthermore if he knows the proper remedy and refuses to apply it, he is condemned not for ignorance but for wilful wrong. Condemnation results in either situation; though the punishment of ignorance is the milder of the two, except in cases where the ignorance has been brought about by negligence. For if ignorance is invincible, it does not lead to the death penalty but is excused by innate incapacity. So if a governor knows and wishes to do equity, but has not adequate power, the fault is not so much his own as it is the fault of the prince. It is, however, most certain that the duty of a judge and his religion should include the following things: he ought to have a knowl-

edge of law, a will disposed toward good, and adequate power to enforce his decisions, and he should be bound by an oath to keep the laws so that he may know that it is not permissible for him to depart in any particular from the purity thereof. The book of Wisdom instructs us with regard to the wisdom of a judge: "A wise judge judges the people, and the rule of a prudent man shall stand firm. As is the judge of a people, so also are his ministers; and what manner of man is the ruler of a city, such likewise are they that dwell therein." [1] But it is also pointed out that power is necessary: "Seek not to be made a judge unless thou have power and strength to break down iniquities, lest perchance thou quail before the face of the powerful and in thy obsequiousness lay a stone of stumbling for thyself. Sin not against the populace of a city, nor thrust thyself in among them, nor make thyself guilty of two sins, for not even in one shalt thou escape untouched. Be not cowardly in thine own spirit; despise not to pray and to give alms. Say not 'God will look with favor on the multitude of my gifts, and when I offer them to God the Most High, He will accept my offerings.' Laugh at no man in the bitterness of his soul; for it is all-seeing God alone who exalteth and bringeth low." [2] From these words the attentive reader will observe that a will disposed toward good is not less necessary to a judge than are knowledge and power; since he is held responsible not only for his own offences but for those of others, and, laboring under the double burden of both, he will not be accounted faithful before God merely because of the multitude of his gifts without cleanness of will also. Wherefore Plato says [3] well and pointedly (if men would but heed his words) that those who contend with one another for the prize of bearing public office act as if sailors in the face of a tempest were to fight over which of them should be helmsman of the

[1] Eccli. x, 1–2. [2] Eccli. vii., 6–12.
[3] Cic. *De Off.*, i., 25, § 87, quoting Plato, *Rep.*, vi., 488B.

ship. At such a turn of fortune the man does not exist, or only rarely, and he is a rash man indeed, who makes good his title to the magistracy without skill and strength. And in my own time, I have seen nought more lamentable than judges ignorant of the science of law and devoid of good-will, as is proved by their love of gifts and rewards, exercising the power which they have in the service of avarice or ostentation or advancing the fortunes of their own flesh and blood, and exempted from the necessity of swearing obedience to the laws. From this it is plain that the princes who have conferred regular jurisdiction on such judges are themselves either ignorant of law or else hold it in contempt. But, whatever we may say regarding legal learning or the power of enforcement, at least a judge ought to be an eminently religious man, and one who hates all injustice worse than death itself.

Since provincial governors have as part of their office a regular jurisdiction to administer justice, the same considerations apply to them as to other judges; and therefore what is said of them can be extended in its consequences to the others. The first thing which is marked out for both by the necessity of their office is that they should in all things obey justice, and that none of the things which it is their duty to do should be done for price. For if a thing is unjust, it is unlawful to the degree that it must not even be done as the price of this temporal life itself. On the other hand, what is just does not need the addition of a price, since its performance is owed as an obligation, and it is unjust to charge a price for performing an existing obligation. To sell justice is therefore iniquity; to sell injustice is not only iniquity but insanity. For injustice is universally disapproved and there is general agreement that it ought nowhere to exist; justice on the other hand is everywhere an obligation or indebtedness in such a sense that no price may be charged for it without committing a crime. The fault of Balaam was not that he had injured the cause of the people

of God or spoken other words than those which the Lord inspired, but rather that, blinded by avarice, and acting under the sway of malice, he contrived, for the aid of the infidels, how Israel might by sin provoke against themselves the wrath of God. Therefore he sought how he might justly justify the cause of impiety, and as it were cozen God to withdraw His favor from His elect. And if he could not justify the cause of their adversaries, he at least accomplished this, that God withdrew His favor from their cause; and in a contest in which both the contenders are unjust it is said that victory usually goes to the side which is superior in strength. You will see among judges many followers of Balaam, who although they will not pass an unjust sentence, yet under the corrupt influence of gifts struggle by every act to transfer the justice which belongs to one party to the other party.

I cannot easily say which is worse, the seller or the buyer of justice, although the seller colors his wickedness with a more deceitful dye. Still it is possible to regard his as the deeper crime, since he exposes for sale the mistress and queen of his office, to whom he owes fealty and obedience, like merchandise in the market-place, and like an unfaithful slave sells his master into slavery. For every magistrate is but the slave of justice. Moreover it is obvious that while equity is alienated by the seller, it does not pass to the buyer; and purchased iniquity passes to the buyer on such terms that it does not depart from the seller. And, unlike what is found in other contracts, only a man can sell justice who does not have it. Before the transaction it slips away from the sordid seller. For is he not sordid who for a bribe in hand, or for one that is offered, defiles his conscience, and offers for sale not so much justice as his own soul? The teacher of the gentiles despised riches and honors and the many-colored trappings of the whole world as but dung, to the end that he might gain Christ alone, deem-

ing that all things which bring loss of salvation are to be counted as uncleanness. And rightly and truly so, because nothing that is clean, nothing that is honorable, nothing that is fair, stands as an obstacle to salvation, but only base actions which, as they bring disgrace, are therefore unclean and certainly of no profit, nay rather are so hurtful that they cannot be compensated by any earthly gain. For what profits a man if he gain the whole world and lose his own soul?[4] And note that he did not say that the world is unprofitable merely in the case where it leads to loss of salvation, but also whenever glory is diminished. Let gems sparkle however brightly, gold glisten and the gay world smile with all its allurements,—still whatsoever robs a man of his cleanness is sordid; whatsoever extinguishes the beauty of his soul is infamous; whatsoever destroys his honor is shameful. Wherefore even the ancients,[5] although they know not the Truth which brings Salvation, counted it as a sordid thing to sell for a price that which ought to be done gratuitously as part of the duty of office. And they so extended the interpretation of the word "price" as to include not merely money or any physical object, but also obeisance and every kind of service which is not owed for some other reason. For a thing which proceeds from filth, how can it be otherwise than filthy? An ill tree cannot bring forth good fruits, for the power of nature follows the principle that like produces like. Further, since we have premised that the case of governors and of other judges is the same, they are alike ministers of equity and the public peace, who ought to be the more circumspect and cautious, and take the greater care, since they must expect to be weighed in the balance of Him whose foresight cannot be circumvented nor His justice corrupted; so that according to His declaration, by what judgment they

[4] Luke, ix., 25.

[5] Cic, *De Off.*, ii., 6, §§ 21–22.

have judged, they shall themselves be judged, and from the Judge who is just they shall receive back their own good measure, pressed down and shaken together and running over, into their own bosoms.

CHAPTER XII

OF THE OATH OF JUDGES, WITH A COMPARISON OF PITAGORAS AND ALEXANDER, AND IN WHAT MATTERS A JUDGE MAY SHOW FAVOR TO THE PARTIES BEFORE HIM; AND CONCERNING SOPHISTICAL QUESTIONS.

Judges should be bound to the laws by an oath,[1] since they are always to dispense judgment in accordance with truth and in obedience to the laws. It is provided by the law itself that the awful books of the Holy Evangelists shall be placed before the judgment seat, and shall there remain from the beginning of a suit to the end thereof, and shall not be removed until the decision is handed down, to the end that the breadth of the whole judgment-hall may be filled with the presence of God Himself, inspiring all with the fear of the sacred scriptures, and with reverence; and to the further end that the investigation of the truth may be shielded from all iniquity. Also the duty and religion of a judge should scrupulously banish all affections of flesh and blood, and eliminate anger and hatred, fear and friendship; for as Julius Cæsar says, it is not easy for the mind to perceive the truth when these feelings prevail. Hence that proverb of Cicero's which was so well-known among the ancients: "He puts off the character of a judge who puts on that of a friend."[2] For equity, to which the judge owes obedience, does not know the left hand of hatred nor the right hand of love; because in judgments it is not permissible to deviate from the right line of the truth. To make the greatest pos-

[1] Justin., Cod., iii, 1. 14.

[2] Cic., *De Off.*, iii, 10, § 43.

sible concession to friendship, the favor of postponement may sometimes be granted to a friend. But even this is rare, and only upon the showing of good cause. Furthermore when the case is a doubtful one, there is always a postponement, if not of the trial, at least of the decision. For hasty judgments bring forth fruit of repentence. Wherefore the Greeks, when urged to render a decision before the case was clear, answered that their ancestors did not see the sun at the antipodes, but always waited for it to rise to the level of their own eyes. A traveller is called overhasty who before the morning star rises sets out upon his day's journey in thick darkness and without light.

A judge should not be intimidated by the influence or personal importance of the litigants.[3] Thus an action brought by Pitagoras was postponed permanently, and Alexander of Macedon once lost a suit in a military court; which the latter took in the utmost good part, thanking the judges whose good faith he saw demonstrated by the fact that they preferred justice before the power of any ruler, however great. In my own esteem I have found nought more creditable than this in any story told of Alexander, whom public opinion[4] asserts to be a great man. For myself (though I speak with no desire to enter into controversy with those who prefer recklessness to virtue), I shall always regard Pitagoras, the poor man, as greater than Alexander, in spite of the vast riches of the latter. To convert you to my way of thinking on this point, I suggest that you turn over the comparison of Philip and Alexander by Trogus Pompeius, or, if you prefer, by his abbreviator Justin.[5] He says, "Philip was a king more eager for a campaign than for feasting, whose greatest wealth consisted in munitions of war, and who was more active in the quest than in the keeping

[3] I use the conjectural reading "litigatorum."

[4] "publica opinio"—note the phrase again. See above, Bk. iv, c. 8.

[5] Justin, ix, 8, §§ 4–21.

of riches. Therefore in the midst of daily plunder, he was always poor. He delighted equally in mercy and in treachery. In his eyes nothing which might lead to victory was infamous. A man alike engaging and crafty of speech, and who always promised more than he performed; a craftsman in the serious and the sportive. He cultivated friendships for profit and not for fidelity. To pretend favor where he hated, to sow hatred among those who were in agreement, to curry favor with both sides, was his established habit. Add to this, a gift of eloquence and a power of speech notable for sharp insight and shrewdness, and wherein facility did not lack for ornament, nor ornament for facility of invention. He was succeeded by his son Alexander, who was a greater man than his father in both his virtues and his vices. And so their methods of victory were correspondingly different. The younger man made war in the open, the older by resort to artifice. The one delighted in deceiving the enemy, the other in routing them in open conflict. The former was more prudent in council, the latter more magnificent in conception. The father could dissimulate his anger, and generally even quell it; when the son's was once kindled, there was no delay nor moderation in his revenge. Neither was addicted excessively to strong drink, but both had many of the sober vices. It was the father's habit to rush from the banquet table against the foe and recklessly expose himself to danger; Alexander vented his rage not against the foe but against his own friends and attendants. Wherefore Philip was often brought back wounded from the battle-field while Alexander frequently rose from a feast where his friends lay slain. The former wished to reign in company with his friends, the latter used his power against them. The father preferred to be loved, the son to be feared. Both alike fostered letters. The father was the more shrewd, the son's good faith was the greater. Philip was the more restrained in words and public speech, his son in action. The

son was the more ready and honorable in sparing the vanquished. The father was the more given to frugality, the son to luxury. By the same arts which the father had used in laying the foundation of world empire, the son completed the glory of the great work. But in one respect he surpassed the vices of his father and of all men of honorable birth, namely that he suffered from the most violent envy, so that even the triumphs of his father wrung tears from his eyes as if his father's merit had torn from him the glory of doing all things himself. He even slew with his own hands, or ordered the immediate death penalty to be inflicted upon, those who proclaimed the praises of his father's valor."

Turning to Pitagoras, he was held as such an authority among philosophers that it sufficed for the decision of any question if Pitagoras was known to have taken one side or the other. So influential was his opinion when known in advance, that the opposition could never regain strength when it was once published that he had taken the contrary side, and from the usage of those who followed his opinion, the mere use of the pronoun "he" signified Pitagoras. For when it was said without more, "He has said this," we learn from Tully that the authority meant to be cited was Pitagoras.[6] Nevertheless even the weight of this great authority did not influence the decision of his case, but a postponement was granted because of the doubtfulness of the point in controversy, and the sentence remains suspended to this day. The issue was of this nature:

Evallus was a wealthy young man who was desirous of learning eloquence and the pleading of causes. For this purpose he placed himself under the instruction of Pitagoras, promising to pay the sum of money which Pitagoras had asked. Half was paid down before the instruction commenced, the other half was to be paid on the first occasion when he had argued

[6] Cic., *De Natura Deorum*, i. 5, § 10.

a case before the judges and been successful. After he had been a pupil and follower of Pitagoras for a long while, and had improved his speaking by study, time passed and yet he still refused to take clients, for the purpose, it was supposed, of evading his obligation to make the second payment to his teacher. Pitagoras therefore, after taking advice, brought suit against him. When they appeared before the judges for the purpose of explaining and proving the case, Pitagoras began as follows: "Oh foolish youth," said he, "learn that whichever way this case is decided, you will have to pay me what I sue for, whether judgment is pronounced in your favor or against you. For if the case goes against you, the money will be owed me on the judgment, because I shall have prevailed in the suit; but if the judgment is given in your favor, the money will then be owed me on our contract, because you will have won your first case." To which Evallus replied calmly: "I might have chosen to meet your two-pronged sophism by not pleading my case myself, and employing an advocate instead. But there is better sport in a victory on the present terms, won by defeating you not merely on the point of the case but also in the argument. Learn, then, for your part, oh wisest master, that whichever way the case is decided, I shall be equally relieved of having to pay you what you sue for, whether judgment is pronounced against me or in my favor. For if the judges decide in my favor, then by virtue of the judgment I shall owe you nothing because I shall have prevailed in the suit; but if the case is decided in the opposite way, then by virtue of our contract I shall owe you nothing, for I shall not have been successful in my first case." Thus by a youthful pupil was this famous master of eloquence refuted in his plea and checkmated in his shrewd and carefully devised sophism. Then, in the words of the old narrative, the judges, thinking that what was said on both sides raised a grave and inexplicable doubt, and for fear lest their de-

cision in favor of either party might defeat itself, left the case undecided, postponing it permanently.

It does not make much difference for my purpose whether this story is told of Pitagoras or Protagoras, according to Quintilian and Agellius respectively; for there is no significance in the name so long as the point is established that a doubtful matter cannot be brought to final decision without temerity.[7] For there are many sophistical questions which are more safely and conveniently postponed than hastened to a conclusion, especially in the decision of law-suits. Wherefore among dialecticians this is called *"tractus"* and the term is applied by the Greeks to situations where whatever you determine to be true will be found to be false.[8] And even though the result in such cases may generally be righted by the *exceptio doli mali,* and equity can sometimes relax the rigor of the law, nevertheless, except where urgent necessity compels otherwise, it is better in such matters to postpone decision than to render it. From your boyhood you have learned that the solution of questions which include circular positions, or involve latent contraries, is most difficult, unless perchance you regard yourself as more cunning than old Nestor. "Do not believe a dream," Agamemnon was told in a dream while Greece was laboring for the overthrow of Troy. The interpretation of this dream the wisest among the Greeks thought should be left to Jove himself. I have seen many toiling over the question whether a man who says, "I am lying" can be said to be telling the truth or not. But I have never seen any

[7] A contemporary illustration of a refusal to decide a doubtful point is afforded by the outcome of Matilda's appeal to Rome against the right of Stephen to the English crown. Stephen's advocates raised the point that Matilda was illegitimate, as her mother, prior to being married to Henry I., had been a nun. The Pope broke off the debate and announced that he would not decide the point or allow it to be raised again. Adams, *Political History of England, 1066–1216,* pp. 202–3.

[8] Dig. xxxv, 2, 88.

who could avoid both Scilla and Caribdis unless he was contending against a feeble or a friendly adversary. In practice-moots and scholastic declamations, these questions may be thrashed out safely. But when one of them gets into a law-court, where empty show of wit is repressed, and only serious matters are debated, an error in the reckoning of the decision cannot be made without endangering both the litigants and the judge. Nothing is better in my opinion than to postpone a danger if it cannot be wholly avoided. But it is the height of injustice to postpone suits when the interest of either litigant is thereby put in jeopardy, and when the difficulty of the case does not necessitate delay. Therefore, whatever can be expedited, should be; and only that postponed which requires more mature deliberation.

CHAPTER XIII

HOW A LAW-SUIT SHOULD PROCEED, AND OF THE FORMULA OF THE OATH AGAINST MALICIOUS LITIGATION WHICH THE PLAINTIFF AND DEFENDANT ARE REQUIRED TO TAKE; AND OF THE CONSEQUENCES OF REFUSING TO TAKE THE OATH; AND OF THE OATH OF ADVOCATES, AND OF THE PUNISHMENT OF FALSE PROSECUTION, CONCEALMENT OF THE TRUTH, AND REFUSAL TO PROCEED.

In order that the truth of the facts may more speedily be brought to light, the judge does not permit the litigants, to wit the principal parties, to proceed to issue until they pledge their faith by an oath that they will insist only on justice for their rights, and will put all malice and chicane away from them. The plaintiff swears that he has brought his action with no vexatious purpose but because he believes that he has a good cause of action, and that he will do nothing with malice at any point in the proceedings, as by demanding unnecessary proofs or delays, and that he will ask only for what appears to be in conformity with the requirements of justice. The defendant then swears that he has reached the determination to resist the plaintiff's claim because he thinks he has a good defense, and that at no point throughout the suit will he deal maliciously, or make any demand upon the judge or the opposing party except what he honestly thinks ought to be granted to fulfil the requirements of justice.[1] Both oaths contain the same final clause, in which the parties swear that they have not given or

[1] Justin., Cod., ii., 58, 2.

promised to give, and that they will not give, anything either directly or through the medium of any third person to the judges or to any other persons as payment in connection with the case except what may lawfully be paid to the lawyers and to certain other persons by permission of law.[2] If the plaintiff refuses to swear to this effect, he is non-suited and dropped from the action as an unjust litigant. The defendant who refuses to take the oath is held to have admitted the plaintiff's claim, and sentence of condemnation will be passed against him.[3] So too the lawyers, in order to insure the good faith of the trial, are bound by an oath at the very joinder of issue to observe truthfulness and good faith, swearing that with all their strength and ability they will seek to procure for their clients what they deem to be just and in accordance with the truth, and without remission of zeal so far as in them lies, and also that they will not use their ingenuity to prolong the suit unduly.[4] For suits should be terminated by the judges within two or three years.[5]

The judge will also equalize the lawyers by a fair allotment among the parties, whether the latter have sought them or not, in order that the case may go forward as an equal contest. This equality consists both in integrity of character and quickness of intelligence, in sagacity of counsel, reputation for knowledge, and in the impressiveness of a man's name, so that all these advantages, so far as possible, are to be balanced between the parties by the beam of equity. But if the fame of one advocate is more illustrious than all the rest, the adverse party should so far as possible be compensated by the aid of the judge.[6] Moreover a lawyer who knows the secrets of one of the litigants will not be allowed to serve as advocate for his opponent, unless perchance one party with or without the connivance of the judge has dealt separately with several lawyers in

[2] Nov. cxxiv., i.
[3] Justin., Cod., ii, 58, 2 §§ 6–8.
[4] Justin., Cod., iii, 1, 14, § 4.
[5] *Ibid.* iii, 1, 13.
[6] *Ibid.* ii, 6, 7.

order to deprive the other of the opportunity of an equal defense.[7]

Nor can a lawyer after a warning from the judge refuse without probable cause to represent a party unless he is willing to be debarred from the courts so that afterward he may not be heard to plead causes.[8] And if an advocate has concealed the truth he should receive on conviction the severest punishment, proportioned to the nature of the offence. The duty of advocacy must be performed with the utmost good faith and without abuse of the opposite side. For it is a contest of reasons, not of insults, and in accordance with the edict of the prince the advocate suffers loss of reputation who, leaving the business in hand, digresses into wanton malice against his adversary, openly or underhandedly.[9] Although a fee is due to the advocate by way of an honorarium, it is not lawful for him to be an instigator or purchaser of litigation by bargaining for the payment of a share of the amount in controversy, to the serious damage, and as it were robbery, of the suitor.[10] Whatever the advocate has alleged in the presence of his principal is thereafter to be considered as if it came from the principal himself unless he contradicts it immediately, that is to say within the next three days.[11] Although it chances that the advocate is defeated, his reputation is in no wise damaged if he has not failed to make the best of his opportunities, and has faithfully furthered his client's rights; for the advocate is not required to lie. If the case brings any loss or hurt, it falls upon the litigants, whether it is a civil or criminal action. This is determined ultimately by the final decision, which condemns or acquits the defendants, and at times deliberately and with good reason pours upon the plaintiffs themselves the shafts of severity. For, to say nothing of civil cases, in which,

[7] Cf Justin., Cod., ii, 6, 7, § 3.
[8] Justin., Cod., ii, 6, 7, § 2.
[9] Justin., Cod., ii, 6. 6, § 1.
[10] Justin., Cod., ii, 6, 5.
[11] Justin., Cod., ii, 9, §§ 1–3.

however, the same rule prevails, the rashness of those who make accusations improperly is detected in three ways and subject to three kinds of punishment.[12] For they are either "calumniators," or "prevaricators," or "tergiversators." A "calumniator" is one who brings a false accusation; a "prevaricator" is one who conceals the truth; a "tergiversator" is one who refuses altogether to prosecute the charge. By the *lex Remia* calumniators are required to undergo the same punishment as that prescribed for the crime named in the accusation, provided, however, that after the defendant has been acquitted, there must be a determination of the accuser's knowledge and intention, and if he merely fell into a reasonable error, he must be acquitted. But if he is detected in evident malice, he is condemned to the punishment prescribed by law. This is indicated by the language of the sentence pronounced; for if the words are, "You have not made proof," the plaintiff or prosecutor is acquitted; but if they are "You are guilty of calumny," he is condemned; and though the penalty does not directly carry infamy with it, nevertheless the power of the law will be exercised against him so that infamy may result.

[12] Dig. xlviii, 16, 1, §§ 1–4.

CHAPTER XIV

CONCERNING THE RATIONALE OF PROOFS.

In discussing the matters which are to be given weight in civil as in criminal cases we must consider the kinds of proofs which must be examined to determine whether a case has been established. The term "proof" is applied to all the means by which a case can be established,[1] whether written depositions or witnesses; the latter have greater weight than the former, because witnesses are preferred to written depositions.[2] For while witnesses can be examined and tested, written depositions are always and in the eyes of all the same. But in examining witnesses and weighing their testimony no definite rule can be laid down to determine which the judge ought rather to follow. For if all the witnesses are equal in social position and reputation, and if the nature of the transaction and the inclination of the judge agrees with them, all the testimony should be followed. But if some have said one thing and others another, though the number is unequal, that is to be believed which squares best with the nature of the transaction, and affords no suspicion of the taint of hostility or partiality; and the judge will confirm the inclination of his own mind from the inferences and evi-

[1] Dig. xvi., 99, §§ 2, 3.

[2] Dig. xxii, 5, 3, § 3, *testibus, non testimoniis crediturum.* In this connection *testimonium* apparently means the deposition of an absent witness,—what is elsewhere called *testimonium per tabulas.* Bethmann-Hollweg (*Civilprocess,* ii, 599,) thinks that under the Republic and earlier Empire such depositions were regarded as less trustworthy than oral testimony (see Quintilian, V, vii, 1, 2); but that later, written evidence came to be preferred (*Civilprocess,* iii, 279).

dence which he finds most consistent with the facts and closest to the truth. For regard is to be had not to the number of witnesses, but to their good faith, and to the testimony which seems to be best supported by the light of truth. Frequently also the case will stand upon presumptions until the contrary is proved. Thus Salomon, in the case of the harlots, ordered the child to be divided; and when one of them was willing to yield it to the other if only its life were spared, but the other cried out, "Let it be neither mine nor thine, but let it be divided" —he decided that the child should be given alive to the one who was not willing that, being alive, it should be put to death. For he followed the argument from probability that he ought to believe that she was the mother who loved the child, so long as no contrary proof destroyed that supposition or assumption. Therefore the deified Adrian made a rescript which extended the power of the judge in the examination of witnesses. The words of the text are as follows: "You are best able to judge the credit which is to be given witnesses, since you know what their standing and reputation is, and have seen directly whether they seem to be telling the same prepared story which they have all brought ready-made into court or whether they have answered with apparent truth on the spur of the moment the questions which you have put to them. What inferences and proofs are sufficient to establish each point cannot be satisfactorily defined in any rigid or uniform way. Sometimes the number of witnesses, sometimes their standing and influence, sometimes the concurrence of common report, confirms the trustworthiness of the matter in question. All, then, that I can reply to you is in substance that reliance ought not to be immediately placed on any one species of proof, but that in accordance with the judgment of your own mind you must determine what to believe and what to regard as not sufficiently proved." [3] Therefore wide power is given to the judge so

[3] Dig. xxii, 5, 3, §§ 1, 2.

long as in all things he serves the truth; and when he perceives, as is generally the case, that it is in jeopardy among rascals, he shall summon the witnesses who are necessary to declare it, and compel them to testify even though they are unwilling, with only the exception of those whom the laws will not compel to testify against certain persons.

CHAPTER XV

WHAT THINGS PERTAIN TO THE DUTY OF PROCONSULS, GOVERNORS, AND ORDINARY JUDGES; AND HOW FAR PRESENTS MAY BE OFFERED AND ACCEPTED; AND CONCERNING CICERO, BERNARD, MARTIN AND GAUFRED OF CHARTRES.

It pertains to the sacred duty of a governor to take care that the more powerful do not oppress the more humble wrongfully, and that those who should be defenders of the innocent do not instead persecute them with feigned accusations.[1] He will also prohibit unfounded exactions, and acts of violence, and sales compelled under duress, and contracts of security made without the payment of money;[2] and will take care not to burden his province by his excessive hospitality;[3] and lastly will provide that no one gains profit or suffers damage unjustly. For it is the part of a good and grave governor to see that his province is peaceful and quiet;[4] which he will easily bring to pass if he acts watchfully to rid the province of bad men, and to that end hunts them down and drives them out. For he should hunt down men guilty of sacrilege, robbers, thieves, and kidnappers, and chastise each for his crimes as well as those who harbor them, and without whose aid the robber cannot long remain concealed. Further, every man whose task is to administer

[1] Dig. i., 18, 6, § 2.

[2] Dig. i., 18, 6, init. Flach suggests that the practice here prohibited may have been one of the reasons which during the days of the later Empire induced many smaller proprietors to solicit the "patrocinium" of their more powerful neighbors, thus paving the way for feudalism. (*Les Origines de l'ancienne France,* t. i., p. 72).

[3] Dig. i, 16, 4, init.

[4] Dig. i, 18, 13.

justice should take care to be easy of access but not in such a way as to bring himself into contempt. Wherefore a clause is added to the commissions of governors bidding them not to admit provincials to too great familiarity; for association on equal terms produces contempt for a man's dignity. And, in short, he should so mete out justice as to increase the authority of his office by his talents and character. In hearing cases he ought not to burst out in anger against those whom he thinks wrong-doers, nor on the other hand be brought to tears by the petitions of the unfortunate; for it is not the part of a firm and just judge to display his emotions in his face. For what is more unseemly in a grave man than if at a breath his cheeks grow pale, his skin contracts into wrinkles, his eyes flash, his looks are distracted; or if wrath brings the blood to his face, and as it were confines it to the surface, his lips foam and twitch, his arms toss about, his feet jump, his body quivers and his whole bearing betokens not so much an irate man as a mad man? Truly, when I see men acting so, I pity them while fearing for myself, when I remember the men who live in Africa, as I have read in Pliny, in his book of Natural History.[5] For they are said to have a magic power of fascinating with voice or tongue, so that if any has chanced thoughtlessly to praise their beautiful trees, generous crops, laughing children, fine horses, well-fed and well-kept cattle, he will suddenly die or in some way be made to lose his life. There is also a kind of fascination by means of the eyes which is fatal. The same author reports that there are men among the Illyrians who can slay by their gaze those at whom they have looked long in anger, and that those males and females who have this power of harmful sight have two pupils in each eye. Appollonides also informs us that in Sitia women are born who are called "Bithiæ," and that these likewise have two pupils in each eye, and can destroy anyone at whom they chance to look in anger. I fear that irascible

[5] Pliny vii, 2, § 16.

judges are somehow related to these monsters. Those, too, who have spotted eyes are said by physiognomists to be more than others prone to badness.

What I have said concerning governors and other judges should apply also to proconsuls, whom our countrymen commonly call itinerant or "wandering" justices. The name is erroneous, but still it fits, if not the office, at least the persons, because, following their own desires in pursuit of avarice, they "wander" from the path of equity and plunder the people.[6]

The duties of every office should be performed gratuitously, without the exaction or receipt of aught in excess of the statute. Perhaps you will ask what the statute provides. It is contained in a plebiscite which enacts that no governor shall receive a gift or donation except of food and drink, and that this must be consumed within the next few days.[7] The same rule is extended to proconsuls and other magistrates by the prince's commission. They are not obliged to abstain wholly from accepting friendly presents, but to observe moderation in doing so. This permission, and the accompanying requirement of moderation, are appropriately defined in a letter of the deified Severus and the Emperor Antoninus. The words of this letter are as follows: "So far as pertains to presents, hear what our opinion is. There is an old proverb, 'Not all things, nor at all times, nor from all persons.' For certainly it passes human nature not to accept from anyone; but there can be nought more vile than to accept from everyone; nor more avaricious than to accept for any and every reason. A provision is contained in our mandates

[6] For criticism of the itinerant justices in England, particularly in the matter of bribe-taking, see, for the twelfth century, Walter Map (who was himself an itinerant justice), *"De Nugis Curialium,"* I., x., (tr. Tupper and Ogle, pp. 7 ff.); for the thirteenth century, Maitland, *"Bracton's Note Book,"* vol. I., pp. 15–16, and references to Matthew Paris there cited.

[7] Dig. i, 18. 18.

that no proconsul or holder of other office shall accept a gift or donation, or buy anything, except for the sake of subsistence from day to day, but this does not apply to friendly presents but to those things which go beyond eatables. Such presents, however, are not to be enlarged to the nature of donations." [8]

Though an advocate can sell his proper services and a jurist his good advice, it is never lawful to sell justice. When Cicero wished to buy a house on the Palatine and had not the money at hand, he secretly accepted a loan of two million sisterces from Silla, who was then a defendant under accusation. Before the house was bought, the matter was betrayed and became public; and he was reproached with having accepted money from a defendant for the purpose of buying a house. Cicero, disconcerted by the unexpected charge, denied that he had received any money, saying that he had no intention of buying a house; "Your accusation is so false," he said, "that if I do buy a house, it will be true that I have taken the money." Later, after he had bought the house and was charged with the lie by his enemies in the senate, he laughed heartily, and, still laughing, said; "You are certainly foolish men if you do not know that it is the part of a prudent and cautious *pater-familias* when he wishes to buy anything, to deny that he intends to do so for fear of possible competitors." Thus with an urbane witticism he explained away what he could not deny, making it appear rather a matter for laughter than for blame. Indeed this was his habit, whenever he could not deny some dishonorable act with which he was charged, to evade it by a witty answer.

The Supreme Pontiff Eugenius, whom you yourself have seen and whose memory is to be embraced and his holiness imitated, refused altogether to receive any gift from a litigant, or from one whom he thought likely soon to become a litigant. Wherefore, when at his accession a certain prior of moderate

[8] Dig. i., 16. 6 § 3.

means, whose case he had not yet heard, offered him with much insistence a mark of gold as a token of his devotion, he said to him: "You have not yet entered the house and do you seek already to corrupt the master?" For the holy man regarded as corruption whatever was offered to the judge while the suit was pending. Also Bernard, the monk of Clairvaux, who was deacon of Saints Cosmas and Damian, and cardinal, while living at Rome dwelled apart on the heights, withholding his hands from every gift, so that the man is not yet born whose gold or silver he ever accepted. Why should I mention Martin, who contrary to all custom and experience returned as a poor man from discharging an embassy as papal legate, and when he was forced by the insistence of the bishop of Florence to accept a horse which was needed by one of his companions, restored it to the donor immediately upon learning that the bishop at the date of the gift had a case which was pending for hearing in the Roman Church? All of which is more fully told by holy Bernard, the abbot of Clairvaux, who knew him well, in the instructive book "Concerning Contemplation or Reflection" which he wrote for holy Eugenius. I shall pass over the fact that the venerable father Gaufred of Chartres, the legate of Aquitaine, refused to receive gifts from the provincials except in the way of food and drink, and the latter most sparingly; but whatever was offered to him in the guise of a present he spurned as dung. The Saint of Clairvaux bears witness that he even refused to accept from a faithful priest of his suite the present of a fish, which is commonly called a sturgeon, and yielded to the insistence of the offeror only after he had paid him the price of the present which he accepted.[9]

[9] St. Bernard, *De Consideratione*, iv, 5, 14.

CHAPTER XVI

OF THE CRIME OF EXTORTION, WHEREOF GOVERNORS AND JUDGES ARE GUILTY WHO ACCEPT ANYTHING FOR DOING WHAT IT IS THE DUTY OF THEIR OFFICE TO DO; AND OF SAMUEL, WHO TEACHES THAT THERE SHOULD BE CONTINUAL SACRIFICE IN THE HOUSE OF A JUDGE, WHICH SHOULD SHOW ITSELF TO BE A TEMPLE OF GOD BY OFFERINGS OF JUSTICE AND GOOD WORKS.

But such examples of self-restraint are extremely rare even among the clergy in this day of increasing vices, although the highest measure of self-restraint is enjoined on all magistrates by the law. So great is its severity on this point that one who has held an ordinary office will be sent back to the province and there compelled to make good out of his own means whatever damage he did in excess of his former authority, besides being condemned to loss of reputation and fortune, honor and dignity. Furthermore, the penalties of the *lex Julia* concerning extortion [1] apply to one who while holding any office has accepted money for hearing a case or not hearing it, deciding or not deciding, summoning a witness or failing to summon him, and in short for doing anything more or less than is required by the duty of his office. Nor can he usucapt what he has received, unless it has first passed back into the power of the former owner or his heir. The same law also invalidates all sales and leases made at too high or too low a figure, and prohibits one who is found guilty of any of these things from giving testimony in court or

[1] Dig. xlviii, 11, 3.

serving as a judge or bringing an action; and though today they are tried and punished by the extraordinary procedure, they are generally condemned to exile or some penalty even more severe, in proportion to the gravity of their offence. Furthermore, a penalty is even exacted of their heirs. Examine the words of the law [2] and observe with what indignation it hunts down this crime: "To the end that the punishment of one may be an example and warning for many, we have commanded that a governor [3] who has acquitted himself ill shall return to the province which he has despoiled under a competent guard, and shall there be compelled to repay fourfold the value not merely of what, I do not say any personal servant, but any private soldier or agent of his may have received by way of presents, and also of all that he himself has seized or stolen from my provincials," and likewise, "All attorneys, and all judges, shall keep their hands off the money and estates of others, and shall not think to make plunder out of the law-suit of another. For an attorney who acts for his own gain shall be compelled to submit to the penalty prescribed by the laws." And further: "We recommend and exhort that if any of the *honorati,* or *decuriones,* or *possessores,* or finally if any even of the *coloni,* has been made the victim of extortion in any way by a judge of any rank; if any one knows that a penalty has been remitted for a bribe or inflicted because of the vice of cupidity; finally if any one can prove that a judge is corrupt for any reason, let the person having such knowledge make the fact public either during the administration of the judge or after he has laid down his office, let him file an accusation, let him prove the charge, and by proving it win victory and glory." Would that these words might at least make themselves heard in our own times; for I scarcely dare hope that they would be followed. Indeed, as often as I look closely, I seem to see rather extortioners than judges, as if they were given to a province only to the end that they might de-

[2] Justin., Cod., ix, 27, 1–4. [3] *ducem.*

spoil it. Even the laws and customs themselves under which we now live are traps and gins of falsehood. Snares for words and nets for syllables are stretched everywhere; woe to the simple-minded man who does not know how to syllabize! It it written, "I have done justice and judgment; give me not up to false accusers";[4] as if it were said in plain speech, "Those who pervert judgment and depart from justice are to be handed over to the false accuser who day and night accuses the sons of Adam in the sight of God." We read in the book of Kings that Samuel said to all Israel:[5] "Behold, I have hearkened to your voice and have heard all the things which you have spoken to me, and I have set a king over you. And now the king leads you; I am old and my hair is white; further, my sons are with you; so I have dealt with you from my youth even to this day. Behold me, here I stand. Speak concerning me before the Lord and His anointed, whether I have ever taken from any his ox or his ass, whether I ever accused any falsely, whether I ever oppressed any, whether I ever accepted a gift from the hand of any; and today I will despise that thing and make restitution thereof." Oh spirit full of shamefaced modesty! oh hand of self-restraint! oh uncorrupted judge! oh magnificent words worthy of the admiration and imitation of all, which are thus spoken out of a pure conscience! "Speak concerning me before God and His anointed," who judge judges in Heaven and on earth—"Speak," he says, "whether I took from any his ox or his ass." Surely this man did not extort villas and lands, or immense sums of gold or silver, or masses of costly furniture and apparel, who accounted it as so great a thing for a judge even to have accepted the offering of an ox or ass. "If ever I accused any falsely, if ever I oppressed any,"—he has harassed none unjustly, who has kept himself guiltless of accusing any falsely; nor was his judgment perverted by flesh and

[4] Ps. cxix., 121. [5] 1 Sam. xii, 1–3.

blood who never oppressed any. For if any fell into his hands, it was not the judge but the man's own wickedness that condemned him. "If ever I accepted a gift from the hand of any, today I will despise that thing and make restitution thereof." What, I ask, could be more plain-spoken? Finally, to remove all suspicion of avarice, he shows that he had no knowledge of having received any gift by his readiness to despise and restore it if there were aught at all that could be demanded back. For he preferred to restore it presently rather than return it with usury in the future, and he judged it better to despise it today than because of it to appear contemptible for eternity in the sight of God and all the elect. What did his hearers reply to this challenge? Hear what they replied,—"And they said,—" Who said? The whole people of Israel together; for he had addressed his words to all,—"Thou hast not accused us falsely, nor oppressed us, nor taken aught from the hand of any man." [6] If ever any proconsul, or governor, or tribune, or centurion, or decurion or, in short any magistrate whatsoever merited such testimony from his provincials, I ask that he may come to our province to the end that he may instruct our magistrates. For nothing of this kind is heard concerning our sheriffs and our justices, who, to use our common name for them, are rightly called "errant" because they love gifts and follow after hire, and do not deliver the poor man from the powerful, do not give judgment in favor of the stranger and the orphan, nor does the case of the widow ever come before them. Moreover, neither do the ecclesiastical judges follow Samuel, for as is the people, so is the priest. Wisdom complains aloud: "They that handle the law have not known me; princes have arisen and I knew it not." [7] To illustrate the same point by examples drawn from the lower ranks of the clergy, what else are deacons or archdeacons (as Symon our venerable teacher in the law

[6] I Sam. xii, 4.

[7] Jer. ii, 8; Hos. viii, 4.

of God was wont to say), but men in whose hands are iniquities and their right hand is filled with bribes? Ask our most happy king of England and as yet unconquered duke of the Normans and of Aquitania what his honest opinion is of those whom he thrusts into the offices of the church, and he will say, I think, that there is no malady in the clergy of which such men are not the cause.

Bishops hold a venerable name and office if it were only filled with as much diligence and sincerity as it is at times sought with ambition. And they would be loved as fathers, feared as lords, worshipped as saints, would they but refrain from exactions, and exclude from their minds whatever proceeds from trickery, and if they would cease to count all gain as godliness. But as it is, they deprive themselves of all reverence and love by their ambition for honors, and their greed for money, and by either contriving intrigues of their own or furthering those of others. Nor do I know in what way they can escape infamy and punishment when they claim for themselves a "rake-off," and one which is equal to at least two-thirds of the whole ill-gotten gain. For they either appropriate the solid pound, or, as is frequently the case, leave only the third part thereof to the archdeacons and other officials, if I call them such and do not rather use the language of the people, who call them ministers of iniquity. Not even legates of the Apostolic See keep their hands pure from gifts, but at times rage through the provinces in such bacchanalian frenzy as if Satan himself had come forth from the presence of the Lord to scourge the Church. They shake the corners of the house until they prostrate the sons and daughters of Him who upon the cross healed the ills and pains of souls. They throw the land into commotion and uproar so that they seem to be suffering from some disease which cries aloud for a cure. I am not speaking, of course, of all, but of those who, scorning the will of the Father, serve their own. For it appears that in every office of God's household while some fall

behind, others are added to do their work. Among all of these, accordingly, both deacons, archdeacons, bishops, and legates, I have seen some who labored with such earnestness in the harvest of the Lord that from the merits of their faith and virtue it could be seen that the vineyard of the Father had been rightly placed under their care, and prudently and profitably. But others conduct themselves as if Thesephone or Megera were sent from the underworld to stir up Thebes to wickedness.[8] For the most part such men have been promoted by the court to the offices of the church against the unanimous wishes of the faithful. In the eyes of these men

"Judgment is nought but public merchandise.
And the knight who judges a case gives whatsoever decision is bought and paid for." [9]

They decide in favor of the unjust in return for bribes, they exult in the worst wickedness, rejoice when evil is done,

"And can scarce restrain their tears when they see nought to provoke tears." [10]

Verily they feed on the sins of the people and are clothed therein, and luxuriate therein in manifold ways, these respecters of persons, and as it were hammers of the good; for this they have learned from those who chose them. Wisdom says: "The wild ass in the desert is the prey of the lion, and so are the poor the food of the rich. And as humility is an abomination in the eyes of the haughty, so is the poor man abhorred by the rich. The rich man when in trouble will find strength in his friends; but when a humble man falls, he is driven away by those who know him. If the rich man is cozened he has many to aid him; he speaks proudly and they justify him. When the man of poor

[8] Statius, *Thebaid* xi, 57–61.
[9] Petron., *Sat.* c. 14.
[10] Ovid., *Metam.*, ii, 796.

estate is cozened, he is only blamed therefor; he speaks wisely and no place is made for him. The rich man speaks, and all keep silence, and extol even to the clouds what he said; the poor man speaks, and they say, 'Who is this man?' and if he stumble, they destroy him." [11] Such are the judgments of those who prefer lucre to justice and deem nought better than to have riches, than which, in truth, almost nothing is more vain and useless. None of them rejoices when he sees Christ on earth, there is none among them who wishes Him to go abroad among men, none who at the good works of his neighbors sings, "Glory to God in the highest, and on earth peace to men of good will." [12] Yet surely this is the song of faithful prelates who walk with feet which are beautiful and forever blessed because they bring peace, the peace which is allied to the holiness without which none shall see God. These say with Wisdom that "he is a man of true riches that hath no sin upon his conscience, and the worst poverty is in the mouth of the ungodly." [13] They proclaim in the market-place that "he is the blessed man who is found without spot, and who has not gone astray after gold." [14] Which is as if they should say in plain language, "Whoever in filling the post of any magistracy seeks after gold, stains himself with a stigma without which gold cannot be acquired nor retained by a greedy owner." For whoever long trafficked in money without soiling his hands? Yet it is not so much his hand that he soils therefrom as his soul. I have no desire that the thresholds of the great shall become chilly towards me or that what I here write should sound like the barking of a dog; I do not set my mouth against heaven or desire to say ought save what is full of loyalty, charity and reverence toward the fathers of the Church who judge the world and are judged by none on earth. Nevertheless I mean to say that which is so true that none of the faithful dare gainsay it; I shall say what they them-

[11] Eccli. xiii, 23–29.
[12] Luke ii, 14.
[13] Eccli. xiii, 30.
[14] ib. xxxi, 8.

selves preach. I shall say then that a city can not be hidden which is set upon a hill, and that it is vain to try to keep from public knowledge things which are done in the sight of the nations; indeed,

> "Every sin incurs a more conspicuous condemnation
> In proportion as the offender holds a higher rank." [15]

Salt that has lost its savor is good for nought but to be cast away and trampled under foot by men as worthless refuse which is not even of value for manuring the fields. Also the sun gives more light in proportion as it is higher above the earth. Why should I say more? The works of individuals testify concerning them. So Samuel was justified by the testimony of his own works. But that the people might not be thought to flatter him and from fear or error to give false testimony regarding his innocence and justice, he desired that the people should be bound by the sanction of an oath to declare the truth, and he said, "The Lord is my witness against you, and His anointed is my witness this day, that you have not found anything in my hand. And the people said, 'He is witness' "; [16] as if they pledged the faith which they owed to God and to their king as a pledge of the sincerity of their declaration. That he ever accepted a gift even of food and drink I do not regard as certain from the scripture. For it is written: "And Samuel judged Israel all the days of his life and every year he went about to Bethel and Galgala and Masphat, and he judged Israel in the aforesaid places, and then returned to Ramatha. For there was his house and there he judged Israel." [17] What else do the words seem to mean than that he made an official circuit of the province for the purpose of administering justice, and then returned home to satisfy his own necessities? "Also he built there an altar to the Lord." [18] And rightly so, because there should be unceasing

[15] Juv., *Sat.* vii, 140–141.
[16] I Sam. xii, 5.
[17] I Sam. xii, 15–17.
[18] I Sam. vii, 17.

sacrifice in the house of a judge, which should show itself as a very temple of God in the worship and practice of justice, and and in propriety of manners, and in the shining example of good works; not a place where the blood of goats and calves is offered up immoderately, nor can the ashes of a heifer sanctify the unclean to the cleansing of their flesh, but this can only be wrought by the great pontiff who has pierced the heavens, Jesus the Son of God; and there of all places should be offered up

A spirit composed to justice and religion, and the secret depths
Of a holy mind and a heart steeped in generous virtue.[19]

It is thus that true worshippers worship the Father in spirit and in truth.

Or do you think that he accepted aught under the name of "fees"? For under this pretext men seek to color iniquity who are not so much judges as publicans of justice, but who strive to excuse their wrong-doing under color of honest privilege as though they were but seeking some portion of the profits from transactions of which they partially bear the burdens. Or if profit is not permitted, at least there should be compensation for outlays and expenses. But these men are rare. For will not a man blush to say, "What will you give me if I do justice for you? For you will wait in vain for justice on its own account." Is it not as if one should say: "What will you give me that I shall deny myself, betray my duty, and sell my master?"

[19] Pers., *Sat.* ii, 73–74.

CHAPTER XVII

THAT MONEY IS TO BE DESPISED IN COMPARISON WITH WISDOM; WHICH IS PROVED BY EXAMPLES OF THE ANCIENT PHILOSOPHERS.

We read that most of the philosophers not only despised riches but utterly discarded them, as being a stumbling block to wisdom and virtue. Thus did Socrates, whom all sects of philosophers unite in reverencing as the unique fountain of prudence and truth. It is said that Antistenes, who had made a great reputation as a teacher of rhetoric, after he heard Socrates, said to his pupils, "Go, get yourself a master, for I have found mine." And he at once sold all that he owned, and distributed the proceeds among the people, keeping for himself nought save a paltry cloak. His most famous follower was the well-known Diogenes, who showed himself a mightier man than king Alexander, and a victor over human nature itself. Since Antistenes was no longer receiving pupils, but could not get rid of Diogenes, who persisted in following him, he finally threatened him with a stick if he did not go away. But Diogenes is said to have bowed his head meekly before him and replied: "No stick can be so hard as to separate me from your company." Satirus, who writes the histories of famous men, relates that Diogenes used a double cloak on account of the cold, and for his larder had a wallet which he always carried about with him, and that because of the frailness of his body he also carried a stick, wherewith, being now an old man, he was wont to support his legs, and was commonly called a beggar, or "hand-to-mouth man,"

because he asked and received food for the present hour from any chance person whom he met. He lived in the vestibules of gates and in city porticos, everywhere preaching truth and correcting or denouncing in passers-by the vices which defile the character. And when he wound himself up in a barrel or great jar, he used to say jocularly that he had a movable house and one which changed and adapted itself to the seasons. For in cold weather he turned the mouth of the jar to the south, in hot weather to the north; and whatever was the direction of the sun, thither faced the mansion of Diogenes. Once when he was carrying a wooden cup for use in drinking, he saw a boy drinking out of the hollow of his hand, and he dashed the cup to the ground, saying: "To think that I did not discover before this that nature had provided her own cup!" He never relaxed aught of the vigor of his mind, but persisted in keeping the same unmoved countenance even when opponents were hurling qustions at him, and, what you will recognize as marking the true disciple of Socrates, he crushed the adverse turns of fortune under foot, enduring every pain and misery with uniform self-command. For he said that such things are always of no concern to a philosopher, and that the man is not master of his own mind who permits himself to be injured by fortune. His manliness and restraint are also shown by the manner of his death. For when in his old age he was making his way to the Olympic games, whereto thronged a great multitude from all the parts of Greece, he was stricken on the way with a fever, and laid himself down upon an embankment by the wayside. His friends wished to put him upon a beast or into a carriage, but he refused, and crossing over to the shade of a tree, said to them: "I ask you to leave me here and go on to the spectacle. This night will prove me victor or vanquished; if I conquer the fever, I shall come on to the games; if it conquers me, I shall go down to the underworld." And there, during the night, he strangled himself, saying that he was not so much dying as rather putting

an end to the fever by death. For he was misled by the opinion and example of brave men, when cornered by some extreme difficulty, into the idea that death should be sought of a man's own volition to prevent having it thrust upon him by an outside force. Indeed the latter opinion had become an established conviction or prejudice which led many wise men to believe that they should choose to provoke death rather than endure dishonor. This was done by Cato, it was done by others, who anticipating fate by the sword, or the hemlock, or some other kind of poison, sought to escape the slightest stigma of dishonor, which alone they esteemed a stigma. These men can plead ignorance of the Truth as their defence; but surely it is a gross and poor-spirited attitude which postpones certainties to uncertainties, and casts away and drives out the best that men have for a fruitless object. Nor do they thereby attain to the name of bravery, which their deceitful opinion boasts that above all else it wins for them. But this is wholly deceitful and untrue, because, as the poet says,

"In the midst of adversity it is an easy thing to despise life;
He does the braver thing who can dare to be miserable." [1]

None of those who provoke death is excusable; more excusable are they who draw back from it when it threatens; for who knows the secret counsels of God and whether or not he can in any way escape impending death? Sandrococtus, when ordered by king Alexander to be put to death, sought safety in the swiftness of his feet; and afterwards, as he lay overcome with sleep from weariness, a lion of gigantic size came and stood by him as he slept, and with its tongue licked the sweat that flowed from him, and left him after gently waking him. From this marvellous happening he first conceived the hope of royal power, because of the majestic nature of the portent. Later,

[1] Martial, xi, 56, ll., 15–16.

while he was making war against Alexander's prefects, an elephant of mammoth size came and offered itself to him, and, as though overcome with gentleness, took him upon its back, and he ultimately became a leader in war and a famous general. Likewise Andronicus, when he was condemned to the beasts, was thrown before a lion which drew to it the eyes of all the spectators because of the huge size of its body, the fury of its onrush, its terrific and resounding roar, and the swelling muscles and curling mane of its great neck; but he escaped unharmed, for when the lion looked at him from afar, it suddenly halted and stood as if in amazement, and then walked up to him slowly and quite peacefully, and in a playful way. Then it gently and mildly wagged its tail like an affectionate dog, and clasping the body of the man, who was now almost dead with fright, licked his legs and hands softly with its tongue, so that the man, who had almost lost his mind at the caresses of the fierce beast, was able to collect himself and little by little open his eyes and look at the lion. Apion relates that he saw this himself at the spectacles at Rome which are called the "urban games," adding that then there seemed to follow a sort of mutual recognition between the man and the lion so that you saw them as it were greeting each other with joy. And for this reason, as well as because of the great shouting of the people, the man was summoned before Cæsar, and a diligent effort was made to discover why such an exceptionally fierce lion had singled out this particular man and spared him. He told a story which was passing strange, saying: "When my master was appointed proconsul of the province of Africa I went there with him; but I could not endure his daily injustices and floggings and I fled. Because I thought I would be safer from my master in some hidden spot, I withdrew to the solitudes of the plains and sands. And if all else failed me I made up my mind to seek some way to die. Because of the swift blazing heat of the noon-day sun, I had halted for the time at a dark cave and

went into it and hid myself. Not long afterwards there came to the same cave this lion, dragging a lame and bleeding foot, and uttering dreadful groans and whimpers, roaring the while from the pain and torture of the wound, so as to move the pity of any who chanced to see it. At first I was terrified at the sight of the approaching lion and completely paralyzed. But after the lion had entered what was apparently his regular living-place, and saw me retreating as far as I could and trying to conceal myself, he came up to me gently, and like a tame animal, and seemed to hold up and stretch out his paw to me for help. Then," said the man, "I drew out an immense thorn which was stuck in the sole of his foot, and pressed out the pus which had formed in the bottom of the wound, and having by this time lost most of my fear, dried it thoroughly and carefully, and wiped away all the blood. Being thus relieved by my aid and medical attention, he lay down, placing his paw in my hand, and became quite quiet, and from that day for three whole years I and the lion lived in the same cave and shared the same food. For he would bring to the cave the better parts of the beasts which he killed and I, having no way of making a fire, ate them, cooked only in the heat of the noon-day sun. At last," he said, "I grew weary of this savage life, and one day when the lion had gone forth to hunt, I left the cave. I had travelled along the road for nearly three days when I was seen by soldiers and captured, and sent back from Africa to my master in Rome. He at once caused me to be condemned to death and thrown to the beasts. I now know that the lion was also captured during my absence and seeks today to repay me with gratitude for my kindness to him and for the fact that I healed his wound."

Andronicus was thereupon granted a reprieve from punishment, and, by vote of the whole people, the lion was given to him as a present. Therefore, like two friends, the man and the lion went about through the city, and everyone said, "This

is the lion which gave hospitality to the man, this is the man who healed the lion."

Do you ask for tales which are better known? Daniel came forth from the den of the lions, and the three youths escaped unharmed from the fiery furnace. And among all nations many have been unexpectedly delivered from impending ills by grace. Wherefore, to my mind, none of those who lay hands on themselves have sufficient ground for excuse, although the history of the Church bestows high praise on some who did themselves to death because they preferred to risk their lot in this temporal life rather than lose their honor. But they were thus excused by the weakness of the flesh, and by their ignorance of the law and by the zeal of their charity, and perhaps also in some cases by the immediate commandment of God to the end that thus in their simplicity they might be saved from bearing the consequences which their straightforwardness had provoked. For what room is left for courage if the soul thus tires of its life, so that, suppressing patience and cutting short the span of merits in midcourse, it fails or neglects to endure its appointed lot? The scorn which wise men have of life is such that as the price of infamy even the other life seems too cheap, but their love of life is such that so long as it can be retained with innocence, they do not cast it away when they are suddenly cornered by some difficulty. Life is therefore to be preserved to the end that, and provided that, it be held in scorn; it is to be scorned to the end that, and provided that, it be used profitably for salvation.

But who is there today who scorns life, since there is none, or only one here and there, who yearns not after money with his whole mind gaping wide? Why not? Since

"Birth and beauty are gifts of Queen Money,
And a well-moneyed man is decorated by the goddesses of Persuasion and Love." [2]

[2] Hor., *Ep.* 1. 6, ll. 37–8.

A man who is rich, who prospers in his undertakings, is thought to be the wise and happy man. To this end one man takes a wife, another buys five yokes of oxen or a villa, each paying for his purchase with his own soul. Meanwhile those are reputed blind and lame and crippled upon whom the world does not smile, but whom wisdom none the less, to the exclusion of the rich, admits to her marriage feast, where the elect are intoxicated with the richness of God's household and made drunk from the torrent of eternal pleasure. Meanwhile whoever has not riches is a fool, an ass, a log, a block, a dolt, or aught else that is without sense or feeling. A man is a fool and a wretch, if he is poor. A man cannot even afford to be loved by one who is crushed beneath ill fortune, for, as has been said,

"Sincerity was never so great as to choose unfortunates for friends," [3]

and a man is supposed to suffer justly all the ills which come upon him. And so the kingdom of money has grown so powerful that we do not even hope for a judge honest enough to repulse the gifts which are offered to him. If you are a judge and refuse to chaffer, you will be thought prejudiced against the case of the suitor who makes the offer; and perchance you will even be thought to have been corrupted in advance in favor of the other party by bribery or prejudice, if you merely desire to remain uncorrupted. Honor and reputation have already departed from philosophers, while everyone runs after riches, as if repose from labor and solace for grief were nowhere else to be found; it is precisely as if shipwrecked men should think that they could more easily win out of the deep by loading themselves down with a heavy pack. What man covered with sores ever collected thorns to the end that by wrapping himself therein he might rest the more softly? Truly, if we perfectly believed

[3] Lucan, *Pharsal.* viii, 535.

Him who says "Riches are thorns," [4] the wise men of our time would not be seeking riches with such eager zeal. The rich, as Publius Carpus says, are in truth more miserable than the poor, in so far as they are at a greater distance from wisdom. For the appetite for riches is the exclusion of wisdom and banishes the virtues; poverty, fruitful of manhood, follows nature, the best guide of right living, and is the parent and guardian of the virtues, and alone brings in her train that security which is free from aught that incites to wars and strife. The man is troubled by no law-suits who is without the things that cause contentions. The world trembles and the poor man alone fears not the hand of Cæsar.

Even if riches should be avoided or despised for no other reason than that they hedge the paths of wisdom with thorns, it would be our duty not to love them. However, to prevent a bad opinion of philosophers from being conceived by those who are ashamed to be soiled by the meanness of poverty, philosophy does not enjoin us to flee from riches, but only forbids our lusting after them. It demands a mind which is master of itself, and which in every turn of fortune suffices unto itself, provided only that its sufficiency be from God. Thus it will use gold like clay and clay like gold, indifferently. For as riches are permitted because of the uses to which they may be put, so they are despised by the wise man when they are turned to abuse. It may be that simple apparel and outfit will appear shameful in the eyes of magnates, and that a slender fortune will tarnish the splendor of honor; and yet it is a far more excellent thing to be splendid in character than in the possession of physical things, nor will physical things ever bring glory to a man who is dishonored by the stain of his own infamy.

"The story is told that Anatocles the King dined from earthen ware,

[4] Matt. xiii, 22.

And that his sideboard was often loaded down with Samian clay;
To one who asked the reason he replied: 'Although I am king
Of Sicily, I was born a potter's son.
Treat fortune reverently, you who suddenly
Are raised to riches from a poor station.'" [5]

And so it is not the thing which is vicious, but rather the use that it is put to.

And then the fruit of the philosophic spirit is a noble and generous equanimity of mind; for while it is a mark of stupidity or dullness to bear all things indifferently, none the less the mind is sick which loses its independence. Although there are many paths whereby to pursue philosophy, the one that seems to me the noblest, and more praiseworthy than others, is that

"Which feasts patiently on garden-herbs that it may learn
To use things and which thus practices itself in the use of things," [6]

to the end that it may thus train itself not to disdain garden-herbs and the other dainties of extreme poverty. Indeed, it is the finest fruit of philosophy to know how to bear both poverty and abundance, so that a man will meet every fate with a happy and even mind, and, presenting a front of solid virtue, wholly disarm fortune. Surely a man who has attained to this, will neither hope nor fear; and against such a man the attacks of fortune are always crippled. What has philosophy given you? asks someone who is inquisitive about philosophy. And Aristippus answers, "The power of speaking fearlessly to all men." [7] For if a man were seeking honor or money or some other thing, this would often prevent him from giving a truthful answer.

[5] Auson., *Epigram.* ii.
[6] Apparently a misquotation of Hor., *Ep.* i, 17, 13–15.
[7] Apul., *de Deo Socratis,* Prol., 106.

The surest road to salvation is that of the man who is not encumbered by riches and other things. For it is most difficult for them not to impede the advance of those who possess them. Who does not know that Ypodamia reached the goal first because she could slacken the speed of her contending suitors by throwing before them a ball of gold? And so the virgin remained unvanquished until one came who was a despiser of money, and who by his disdain of gold outran the virgin, and thereby won the gold and thereafter, according to the tale, caused waxen axles to be made for the girl contender therefrom to signify that love of incorruption had consumed love of money. Does not the judgment of God itself commend this and make riches contemptible because the unjust abound in them while the good are often in poverty? Nevertheless, it sometimes chances, I know not how, that for the undoing of just men, riches force themselves upon them; and the more diligently they are excluded, the more eagerly they knock at the door of the man who despises them. The more earnestly the blessed Eugenius refused gifts, the greater was the number thereof that poured in upon him from all sides. And indeed in almost all cases it happens that things which are sought, flee from the seeker, while if one flies from a thing, it hastens forward to meet him. And this indeed is the shortest and most honorable road to riches. For when riches are barred out by prudence, it comes to pass both that eternal life is won and at the same time wealth does not fail to accumulate. Even if this course is too hard for others to follow, it ought at least to be pursued by judges, whether ecclesiastical or temporal, who are bound to justice by their profession or by an oath. Samuel is the type and model for both, who so presided over the sacrifices that he did not spare the blood of the ungodly, and so dealt out justice of both kinds that he oppressed no man and accepted nought from the hand of any. This was attested both by his own conscience and by the people, yet his scrupulous conscience was not satisfied until

the people confirmed their testimony by an oath. For he said, "God is my witness against you, and His anointed is my witness on this day that you have not found anything in my hand." And they said, "He is witness." [8] A judge to whom the people of a province give such testimony, may approach without anxiety the judgment seat of the all-powerful and all-knowing God. For the man prepares his case prudently who places in the balance his own conscience and human judgment, whereof the Judge on high is aware. But those who, unlike Samuel, do not lay open their judgments in this way, but run at once into excuses for their sins and, as if washing their hands, cry out with Pilate, "I am innocent of the blood of this just man,"—these men because they have sinned against the law will be condemned by the law. And those likewise shall share in their condemnation who have power to restrain them but will not. Of these matters enough has been said for a wise man. And now let my pen pass on to those who are likened to the hands in the simile of Plutarch.

[8] I Sam. xii, 5.

Here ends the Fifth Book

Here Begins

THE SIXTH BOOK

(AND HEREIN OF THE ARMED HAND OF THE COMMONWEALTH, AND OF THE MUTUAL COHESION OF HEAD AND MEMBERS)

PROLOGUE

There is a well-known passage from the ethical writer to the effect that:

"Near the Emilian school you will find a smith who is unique
In his skill to shape the finger-nails and imitate the waves of the hair in bronze;
But the total effect of his work is unhappy because he does not know
How to achieve a complete whole. If I desired to compose anything,
I would no more wish to be this man than to have a deformed nose
While everyone gazed in admiration at my black eyes and raven locks." [1]

I regard this simile as applicable to my own attempt to follow faithfully and closely the footsteps of Plutarch in his "Instruction of Trajan," and I shall be an object of universal ridicule unless I carry through to completion the task which I have commenced. Therefore I shall continue in his steps and shall descend with him from the head of the commonwealth even to the feet, with the proviso, however, that if in this part of the work it shall seem to those who are permitted to be without knowledge of the law that I am cutting too deep, they shall charge it not to me but to Plutarch, or rather to themselves, because they have been unwilling to learn the rule which they acknowledge, and in accordance with which they are obliged to live. As to what I shall say regarding my own countrymen, I

[1] Horace, *Ars Poetica*, 32–37.

have added it with only this intention, that they may return into the way of virtue even though unwillingly. For to inspire them to do the things which they ought to do, it should suffice for them that they have not merely the examples of the men of old times, but have also before their eyes the greatness of our own unconquered prince, whose titles of honor I now gather together into one place, that even as the trumpet and clarions of others and every kind of musical instrument shall sound in unison his praise in one great burst of sound, so I, a man of humble birth and unlearned, may likewise spread abroad his fame among those of my own station with my strident reed. For who expects from one who is half a rustic the music of a flute jointed with copper and rivalling the grandeur of the trumpet? Yet I shall not stand back, but shall boldly enter upon the solemn task; and what I lack in ability will be supplied by the abundance of my devotion.

"While the wild boar loves the mountain sides and the fish love the streams,
While bees feed on thyme and the cicadas on dew,
His honor and his name and his praises shall stand fast forever." [2]

But if great men think that aught is said to their injury, let them be taught by their prince that bitter medicines are drunk not for the destruction but for the healing of the sick. With so much by way of preface, let me now proceed to what remains.

[2] Verg., *Ecl.* v, 76–78.

CHAPTER I

THAT THE HAND OF THE COMMONWEALTH IS EITHER ARMED OR UNARMED; AND OF THE HAND WHICH IS UNARMED, AND ITS FUNCTION.

The hand of the commonwealth is either armed or unarmed. The armed hand is that which performs the soldiering of camps and blood; the unarmed is that which administers justice and, keeping holiday from arms, is enlisted in the service of the law. For not those alone do military service for the commonwealth [1] who, protected by helmets and cuirasses, ply their swords or what other weapons you please against the foe, but also the advocates and pleaders of causes who, trusting to the bulwark of their glorious voice, lift up the fallen, refresh the weary; nor do they less serve mankind, than if they were preserving from the foe by the use of weapons the life, hope and posterity of those who are hard-pressed. Publicans, apparitors, and all officers of the law courts may also be said to perform military service. For as some offices are of peace and others of war, so it is necessary that the ones should be performed by one set of officials, the others by another.

The armed hand is employed only against the enemy, the unarmed is stretched out against the citizen also. It is needful that both should be subject to discipline, because both have a noteworthy tendency to viciousness. Besides, the way in which the hands are used bears witness to the character of the head, because, as Wisdom says, an unjust king has none but ungodly

[1] Justin., Cod., ii, 7, 14.

ministers; and as is the ruler of a state, so are those who inhabit therein.[2] A magistrate, said Perides, blaming his colleague Soffocles, should not only have continent hands, but continent eyes as well. And the continence of rulers is praiseworthy when it is such that they not merely refrain their own hands from extortion and wrong, but restrain the hands of others as well.

The hand of each militia, to wit both the armed and the unarmed, is the hand of the prince himself; and unless he restrains both, he is not continent. And in truth the unarmed hand is to be curbed the more tightly for the reason that while the soldiery of arms are enjoined to abstain from extortion and rapine, the unarmed hand is debarred even from taking gifts. But if a lawful penalty is demanded of anyone, if it is a question in other words of exacting or receiving that which is fixed or allowed by law, then there is no ground for punishment or blame. Whatever it is, it cannot properly be called an exaction; nor does it fall into the class of gifts which officials are forbidden to receive.

Because the license of officials has a freer rein in that they can use the pretext of their office to despoil or harass private persons, all usurpations contrary to their official duty must be punished with a proportionately heavier penalty. Blessed Laurence, the bishop of Milan, says, "What is a publican? Is he not a person given over to rapine, whose law is violence? What is a publican? A plunderer without shame, a physician of destruction. Is not a publican more monstrous than a thief? For the thief steals timidly; but this man sins boldly."[3] The thief fears the noose of the law; this man thinks that whatever he may do is the law. The law frightens the thief from unlawful acts; but this man debases the law into a handy instrument of injustice for his own evil purposes.

Who is more unjust than one who with the words of justice

[2] Proverbs xxix, 12.

[3] Migne, *P. L.*, tom. lxvi, 118.

condemns justice and with the weapons of innocence despoils, wounds, and slays the innocent? By law he utterly annihilates law, and while he impels others to keep the law, he is himself an outlaw. "For as the magistrate, even when he decides unjustly, speaks the law, having regard not to what he does but to what he ought to do; so the publican, even when he offends against the law, seems to fulfil it, having regard to his official duty and not to his wicked intent."[4] But what is the official duty of a publican? We learn from the narrative of Luke that the publicans came to John to be baptized, and asked him, "Master, what shall we do?" And, answering, he said to them, "Exact no more than that which is appointed for you."[5] This, then, is the duty of a publican, to exact and receive no more than is appointed. Every excess proceeds from the evil of him who exacts and receives, and not of him who gives. This principle is extended to the officials of all magistracies, namely, that their exactions shall not exceed this limit.

Apparitors also may properly exact that which is due to them by way of fees,[6] and all grades of military commanders may justly accept their appointed stipend. But they may not resort to oppression or abuse to extort gifts in addition. "Fire," says blessed Job, "shall devour the tents of those who love to accept gifts. Their coming together hath conceived pain and brought forth iniquity, and the womb thereof prepareth deceits."[7] The whole tribe of publicans from the greatest down to the least has now no time for justice but only for extortion, and rages so furiously against the people that what one leaves, the rest do not long delay to carry off; as if they were appointed, according to the complaint of the prophet, to the end that what was left by the locust might be eaten up by the *brucus*.[8] And that their opportunity of doing harm may be enlarged, one man will

[4] Dig. i, 1, 11.
[5] Luke iii, 12, 13.
[6] Dig. iv, 6, § 24; Justin., Cod. i, 3, 32, § 5; iii, 2, 5.
[7] See Job. xv, 34, 35.
[8] Joel i, 4.

pile up for himself a plurality of offices, so that the profit which he does not draw from one, he will reap from another. The phisiologers tell that from the locust is produced the *brucus,* or larva of the locust, which is called so until it has wings. Then, while its wings are growing, and when it first begins to fly, it is called *athelebus.* When it has fully gained the power to fly, it becomes a locust once more; and much more grievous is the *brucus* than the locust and the *athelebus,* because being without wings it cannot move quickly from place to place, and so, wherever it comes, it devours the fruits of the earth utterly. The locust and *athelebus* are harmful when they come, and perhaps in many different places, but less so, however, than the *brucus,* which after it has once set itself down, never moves away from that place until it has wholly eaten up the labors of men. And among officials you will meet with this same *brucus, athelebus,* and locust, who harms those near-by and those afar off, and when he has once settled himself down upon any person, devours his fortune and does not depart until he carries away all his victim's substance. Who can count how many wards such an official has most dutifully defrauded, how many farms his wrong-doing has put up for sale, and how many of our people the license of such men has stripped of their possessions and in the name of religion or on some other pretext has sent them overseas, not so much as pilgrims to Rome or some other shrine, as in reality exiles? Verily, these things are done openly, and neither governors nor proconsuls check them, because, as the saying is, the raven rejoices in the works of the wolf, and the unjust judge applauds the minister of injustice.

From experience this has become a familiar occurrence in lands whose princes are infidels and the associates of thieves, and when they see the latter engaged in wrong-doing, do but run to their aid, and add their own share of iniquity to the end that they may get for themselves some portion of the spoil. If you are an official and take pity on some poor man, if you weep

over some failure of justice, if you resolve to give aid, if you even dare to speak mildly against these men, and do not say to all that they say or do, "Well-done! Well-done!" then these same officials of Herod will accuse you of lèse majesté and you will have to give an account of yourself before the governor. And if you do not bend to him in all things, you will be contradicting Cæsar, and if you do not agree to whatsoever he says, that so indeed it is and so indeed it goes, then you will be acting against the person of the king and against the crown. Then there will be a rising up and crying out against you, and to the very clouds will go up the clamor of the officials, repeating with a great voice: "We have found this man perverting the people, and prohibiting the payment of tribute to Cæsar, and denying that Cæsar is king and that all things are lawful for his ministers; we have found this man bringing to nought the laws of our fathers, seeking to introduce new ones, and despising most ancient custom; of this we are witnesses." If then you wish to clear your innocence or to add aught for the sake of justice, if you say that Christ is king and that it is more important to obey Him than to obey men, if you bring forward some privilege of the Church (for this is in their eyes the most hateful plea of all), straightway lifting up their voices they will chant, "What further witnesses do you want? Lo, you yourselves hear his blasphemy; whoever asserts such things, contradicts Christ." But if the judge, recognizing innocence before him and respecting justice, hesitates, then from all sides they cry out: "If you set free this man, you are not a friend of Cæsar. That the punishment of one may be the deliverance of many, take this man and destroy him, to the end that Barrabas may live and prosper." For they are all like one body, whose father, as their manifest works declare, is the devil himself, and of which body they are the limbs. Well does blessed Job say of them that their "body is like a shield fused together and compacted of scales adhering closely; one is joined to an-

other so that there is not even a breathing space between them; one coheres to another and they lock, so that they cannot be sundered."[9] For they stand by one another, because they have banded together against God and His Christ. So great is their authority that whatever they say has the same force as if it were found in the statute-book. Their testimony is conclusive against the truth. There is none except the prince who can lawfully go against their decisions. If the prince curbs them not, then although all men should say that there is peace, there is in truth no peace, or only that peace in which is the bitterest bitterness. For though in other cases it is lawful to repel force with force provided that one keeps within the bounds of permissible self-defence, yet against these men, although they are extortioners, despoilers and torturers, it is not permissible even to breathe a word; for they are the visible ministers of the law. A man is excused by the law for that which he does for the protection of his own body; but if he resists these traitors when they seek to wrong him, he will be judged worthy of any punishment, no matter how severe. If one of them rumples or soils or tears your hair, plucks out your beard, pulls your ears as though they needed lengthening, if he gives you a cuff or shamefully strikes you with his fist, if he gouges out one eye, be careful to submit with all patience unless you wish to lose the other also; for whatever they presume to do, they boast that it is done with the right hand of Cæsar. If you brandish a weapon in your hand, if you refuse of your own accord to bow your neck to the blow, the man will bare his belly, point to his throat, hold out his neck and defy you to lay open with your sword, if you dare, the bowels of Cæsar, or to lay your hand in any manner upon the body of Cæsar; for he boasts that he bears the person of Cæsar. But if this is the right hand of Cæsar, what can his left hand be? Truly the behavior of these ministers does not execute justice but turns it to ridicule, does not fulfil the

[9] Job. xli, 6–8.

law but brings it to nought, although some furiously employ their prerogative of words to defend by falsehood their offence against the intention of the law; for "they are wise men to do evil." [10] But although they are a most hurtful pest to the provincials, to no one can they really be more hurtful than to the prince himself; for what is to the advantage of the provincials is to the advantage of the prince. All things belonging to the provincials are by law subjected and made available to the necessity and advantage of the prince. The whole province is accordingly like the prince's strong-box, and whosoever drains it, offends most grievously against the prince by diminishing his resources. For the provincials are like tenants by *superficies,* and when the advantage of the ruling power so requires, they are not so much owners of their possessions as mere custodians. But if there is no such pressure of necessity, then the goods of the provincials are their own and not even the prince himself may lawfully abuse them. For if it is to the advantage of the commonwealth that no one should use his own property wrongfully, obviously it is not lawful to abuse that which belongs to another. Besides, after a province has been exhausted by these ministers of iniquity and wickedness and satellites of Satan, these men of Herod, what resources will the prince have available for his use when need arises? Therefore if he is wise, he will curb their jaws with bit and bridle, so that they cannot, after the way of wolves driven on by unclean gluttony, lay waste and mangle the province, and, to the prince's injury, exhaust the whole strength of the commonwealth. Otherwise he himself will fall into poverty and become hateful to all the provincials, and will besides have to render an account to his own judge, who will weigh with a strict balance the works of his hands and the wrongs of the provincials, whom under color of protection he has unjustly and as it were by fraud despoiled and wounded with his unarmed hand.

[10] Jer. iv, 22.

CHAPTER II

THAT MILITARY SERVICE REQUIRES SELECTION, SCIENCE AND TRAINING.

There remains the armed hand, which, as has been said, performs the service of camps and blood. The control exercised over it is the principal test of the wisdom and justice of the prince. For, as Vegetius Renatus [1] says, there is no one who should have more knowledge or better knowledge than a prince, whose learning ought to be of advantage to all his subjects. For since works of both peace and war require to be regulated, he ought to be learned both in the law and in military science. Something has already been said above concerning the pursuits of peace, and we now proceed to discuss the armed hand, which is never fit and vigorous without selection, science, and training. For if any of these is lacking the hand becomes useless and unprofitable; of the three, science and training are the more valuable. For knowledge of military science promotes boldness of strategy. No one fears to do what he feels confident that he has learned to do well. A mere handful of men practiced in the art of war is more likely to be victorious than a rough, untrained multitude, which is always exposed to the danger of slaughter. What made the Romans victorious over all nations? Principally science, training, and the loyal devo-

[1] The extensive use which John makes of this author in the following chapters is interesting in view of the fact that Vegetius afterwards came to be the favorite military authority of the later Middle Ages. See H. N. MacCracken, in *"Kittredge Anniversary Papers,"* Boston, 1913, pp. 389 ff.

tion which chosen men paid to the commonwealth in pursuance of their oath. For what would the smaller number of the Romans have availed against all the hosts of the Gauls? What could their shortness of stature have dared to attempt against the tallness of the Germans? It is certain that the Spaniards excelled the Romans not only in numbers but in bodily strength. They were always unequal to the Africans in cunning and in riches. Wherefore, to make up for all these shortcomings, it was to their advantage to select the recruit who was quick of body and alert of mind; and, as has been said, teach him the laws of arms; enforce the teaching by daily training; foresee by reflection on the practice ground as much as possible of what would happen in the shock of battle; and visit sluggards with severe punishment. To this the above-named author bears witness, adding in almost these words that it is useless to maintain a well-fed soldier who is habituated to the pleasures of good living, and saying that he prefers as far more serviceable plain country-folk who have been brought up under the open sky and in habits of work, trained to endure the sun's heat, caring nothing for the shade, ignorant of the pleasures of the bath and other luxuries, simple-minded, content with little food, their limbs hardened to endure all manner of toil, and with whom it was a habit from their country life to wield a sword, dig a ditch and carry a load. Do you suppose that singers, gamesters, and fowlers will be found fit for these tasks when need arises? He utterly rejects men of such occupations for military service, as well as fishermen, makers of sweets, cloth-makers and all whose trade has an obvious affinity to women's work; thinking that for military service there should rather be chosen smiths, ironworkers, wood-choppers and hunters of stags and wild-boars. For Jeroboal, to disregard the figurative meaning of the story, was forbidden by the command of God to put his trust in a timid and untrained multitude, and was bidden to lead against the Madianites only such as were proved fit by their

strong-heartedness and bodily training.[2] Therefore when Gedeon proclaimed within the hearing of all, "Let the man who is fearful and timorous withdraw," twenty-two thousand of the people withdrew and only ten thousand remained. But of these ten thousand the judgment of God chose out as the more fit for war only those who in their thirst lapped up the water like dogs while they were running, casting it to their mouth with the hand; while those were left behind who bent their knees to drink. Thus in the hands of three hundred men was placed the deliverance of the people, and they brought it to pass, slew the enemy, captured their kings, and killed the leaders of what may be called not so much their militia as their malice; and he smote Zebee and Salmana at the mouth of the sword, and took away the ornaments and bosses wherewith they were wont to adorn the necks of the king's camels, and the ornaments and jewels and purple vestments which the kings of Madian had been wont to wear, and out of so much booty kept for himself only the golden earrings of the Ismaelites, sharing the rest among the people. Thus he vanquished unnumbered foes by a picked handful of brave men who I can hardly think had learned amid the pleasures of cities or at kingly banquets or daily feasts to lap up water, which was the sign whereby the Lord saw fit to choose them in preference to others. If nevertheless there are times when need requires that city-folk and others of delicate habits shall be forced into arms, then from the first moment when they enlist in the service they should learn to work, to march, to carry burdens, and to endure sun and dust, to use food in small quantities and of rustic plainness, and to sleep sometimes beneath the open sky, at others under tents. Then only let them be taught the use of arms; and if the campaign proves to be a long one, they should be kept for the most part at forced labor and far from the allurements of

[2] Judges vii, 2 ff.

cities, to the end that they may in this way acquire ruggedness of body and spirit. It is of course not to be denied that from the foundation of Rome it was from a city that the Romans always went forth to their wars; but then it was a city where there was no indulgence in luxuries, but the young men washed off by a swim in the Tiber the sweat which they had accumulated from running and from exercise on the practice-ground. The soldier and the husbandman were one and the same man; he only changed the character of his implements, which was true to the point even that, as is well known, the dictatorship was offered to Quintius Cincinnatus while he was plowing: and

"His flurried wife clothed him with the dictator's robes while the cattle looked on,
And a lictor drove home his plow." [3]

From the fields and farms, then, the strength of the army is to be chiefly recruited. For Vegetius says, "For some reason a man fears death in inverse proportion to the dainties which he has known in life."

[3] Pers., *Sat.* i, 74, 75.

CHAPTER III

OF BRAGGART SOLDIERS WHO ARE OF NO USE FOR SERVICE.

Braggart soldiers, and those who in real life represent the comic Traso [1] in habits and character if not in profession and name, will no doubt blush at this sort of soldiering as savoring in their eyes not so much of military discipline as of the shameful restraints of slavery. For in their esteem military glory consists in cutting a fine figure with clothes of brighter hue than others, and in so squeezing and twisting their linen or silken garments as to make them cleave as close to the body as a second skin, whiteleaded and plastered over with gaudy colors; to them it consists in sitting a saddle-horse well, in being curled and apparelled to rival Actean Apollo, and in being more proficient in the arts of pleasure than notable for valor. If you were to take such men to form your line of battle, you would be more certain to capture the stronghold of Thaïs than that of Hannibal. The more boastful they are in the hall, the more certain it is that when it comes to the issue of an actual battle, they will send ahead their servants into the fight in droves under the lead of Sanga,[2] while they themselves, to save their skins, trail behind the rear guard in company with the slingers and others whose aim is rather to hurl missiles against the foe from a distance than to meet them in hand-to-hand conflict. But afterwards when they return home without a wound or a scratch (as generally happens),

[1] A character in the *Eunuchus* of Terence.

[2] Ter., *Eun.* iv, 7, 6.

"They sing of battles hard fought and weary war;
There contends Eacides, and yonder Achilles;
And they paint the whole Trojan war in flowing wine": [3]

and each boasts that about his temples he narrowly missed a thousand deaths. Indeed never thereafter will you be able to endure the dazzle of their glory. A tale of this kind will be handed down to the hundredth year; their sons who will be born and grow up, will tell it over to their sons. If they break any lances, which their artful laziness has contrived to have made as fragile as hemp, if the gold leaf or red-lead or other coloring matter has been knocked off their shields by some chance blow or other accident, their garrulous tongue, if they find any to listen, will make the incident memorable from century to century. Yet such men claim for themselves the first seats at table, and (despite what our friend Renatus has handed down concerning military science) they banquet splendidly every day if their luck permits, and avoid, worse than they would a snake or a dog, all work and exercise which is not forced on them by unescapable necessity; and whenever any difficult task looms up, they pass it on to their subordinates. Meanwhile they so bedeck their shields with gold, so adorn all their camp equipment, that you might mistake any one of them not so much for a votary, but rather for the very commanding officer, of Mars himself; and if one of them should chance to have his helmet or shield captured, they would be trophies of which Mars might well be proud.

[3] See Ovid, *Her.* i, 31 ff; *Metam.* xii, 161.

CHAPTER IV

WHAT KIND OF KNOWLEDGE AND TRAINING SOLDIERS SHOULD HAVE, AND THAT THEY SHOULD NOT BE PERMITTED TO BE IDLE; AND CONCERNING AUGUSTUS, WHO CAUSED HIS DAUGHTERS TO BE TAUGHT WOOL-MAKING.

There is a pithy saying of Scipio Africanus reported in the book of Strategems of Julius Frontinus. When he once saw the shield of a certain man exquisitely decorated, he said that he did not wonder that the man had honored it with so much ornament since he found in it so much more protection than in his sword. You will never be able to endure the arrogance of men of this breed, unless your patience is exceptional. No modesty, however great, will restrain you from laughing at their absurdities. Yet who was more fortunate or powerful than Octavian Augustus? Although he begot no sons, he adopted several; and though it might have seemed that their illustrious blood would suffice for their glory, and that their hereditary wealth would provide them rather with superfluity and excess than with a livelihood, yet they were educated with the same care as if there were no way for them to retain what they had, or acquire more, save by their own worth. Therefore he caused them to be trained in the military step and in running and jumping, and had them taught swimming and how to strike with the edge and with the point, and how to hurl missiles and stones with the hand or sling, and how every kind of warfare ought to be opposed or carried forward. For that most prudent and diligent emperor knew that

"The vase which has once been steeped will long keep the fragrance fresh," [1]

and that we become imbued or steeped in a thing not only more quickly, but also more completely if we learn it in childhood. Besides, military agility and leaping and running are things to be acquired and perfected before sluggishness grows upon the body with increasing age. For swiftness, which is acquired and confirmed by exercise, goes to the making of an able warrior. Nor is it of much consequence whether a man is tall or of shorter stature if the other marks of fitness are present; for it is better for soldiers to be strong and brave than to be big. Pirrus is said to have told his recruiting officer: "Your part is to pick them big, but I shall have to make them brave." [2]

When Greece was celebrating the solemn games at the mound of Archemorus, it is well-known how Tideus defeated Capaneus because

"Greater merit reigned in the smaller body." [3]

Sallust records the care which Pompey the Great bestowed upon training himself, and how he contended with the agile in jumping, with the swift in running and with the strong in lifting the bar.[3a] Nor could he otherwise have proved a match for Sertorius had he not fitted himself and his soldiers for battle by constant training. The art of retreat, of attack, of surprise, is no mean one, for it provides the ability which enables one's soldiers to break upon the enemy and inflict damage without at the same time exposing themselves at some point to a counterstroke. The practice of swimming is a great aid, for one can

[1] Hor., *Ep.* I. ii, 69–70.

[2] Frontinus, *Strateg.* iv, 1, § 3. [3] Stat., *Thebaid,* i, 417.

[3a] I suggest this rendering of an obscure expression in addition to those advanced by Clarke (*"Military Institutions of Vegetius,"* tr. John Clarke, London. 1767, p. 19) and by Ulysse Robert (in his edition of Jean de Meun, *"L'Art de Chevalerie,"* Paris, Firmin Didot, 1897, p. 17).

never foretell what necessity will require it in either a land or naval battle, and of course no one has a ready escape from perils by means of an art which he has not learned. Of great importance also is the use of missiles, by which the enemy can be damaged or thrown into panic from a distance, while at the same time the exercise increases the strength of the muscles and cultivates the art and habit of hurling. The faithful and continuous practice of all these exercises results in making the men who were diligently trained therein in time of peace, self-reliant, bold and useful amid the confusion of war.

The above-mentioned Augustus is also said to have caused his daughters to be instructed in the art of weaving wool, so that if, contrary to expectation, fortune should ever hurl them down into dire poverty, they might sustain life by abilities derived from that art. They had not only the art but also the practice and habit of spinning, weaving, plying the needle, and shaping, making and putting together garments. Surely a man who allowed no idleness even to virgins never permitted his soldiers to be idle, whose very calling is founded upon toil. Nor do I think that he could have taken pride in the effeminate aspect of his soldiers, whose own daughter did not dare to approach him except with a graver countenance and more decent garb than was her wont.

Lucan in a brief commendatory passage praises Cato and the soldiery of Rome, adding among other things that for Cato it was to be dressed expensively "when he covered his limbs with a shaggy toga beyond the usual fashion of a Roman Quirite."[4] Certainly he would not have said this had not an even rougher toga been the ordinary garb of a Quirite. But today those who are garbed in soft clothing are in the houses of kings, nay even in the camp, and go forth to battle as though whitened for a wedding feast. They look upon themselves as protected

[4] Lucan., *Phars.* ii, 386.

by all the great privileges of ancient soldiery which they most imitate by being ignorant of the laws. And this might indeed be tolerable did they not despise human and divine laws alike, so that, willingly or unwillingly, you cannot help having the passage of the satirist occur frequently to your mind:

"I am the son of Dinomache!—puff yourself out; I have a handsome complexion!—granted;
Still you must grant also that ragged Baucis is no worse off for wisdom
When she sings the praises of her herbs to some slovenly serving knave." [1]

[1] Pers., *Sat.* iv, 20–22.

CHAPTER V

THAT THERE ARE TWO CHIEF THINGS WHICH MAKE A SOLDIER, TO WIT SELECTION AND THE SOLDIER'S OATH.

Still, that you may not think me hostile to military men and the military life, or that I am imputing the vices of individuals to the profession as a whole, I will undertake its defence against whoever attacks it and will fully justify it on the authority of God. For the profession is as praiseworthy as it is necessary and no one can abuse it while preserving his reverence for God who instituted it. Go through the narrative of the Old Testament and you will find that it is as I say. For it is nothing to the point if the men I have been speaking of walk crookedly, for such men are not under the military law because, if we speak accurately, none of them is a true soldier. Read both the ecclesiastical and secular books which treat of military matters; and you will find it clear that there are two things which make a soldier, to wit selection and the soldier's oath. Both are common to those who are spiritual soldiers and to those who are secular soldiers. The former are called by the tongue of the pontiff to the service of the altar and the care of the Church. The latter are chosen for the defence of the commonwealth by the tongue of the leader. The kind of men who should be chosen for particular offices and stations, and the method of choice for both sorts of office, are discussed in the writings of the old authors. But as we are now dealing with the secular soldiery, let us hear Vegetius Renatus on the subject of the selection of soldiers. He says: The safety of the whole commonwealth turns upon the choice of the best recruits

in point not only of body but also of mind; the strength of the realm and the basis of Rome's reputation rest on the original examination of the levy. Let not this be thought a trivial duty, nor one which may be committed to any one, since we know that among the ancients it was singled out for special praise among so many different kinds of merit. For the young men who are to be entrusted with the defence of provinces ought to excel both in character and physical strength. Both good breeding and modesty are needed to fit a man to be a good soldier as they prevent his running away, and thus often cause him to be victorious. Of what advantage is it to train a coward, though he spends several terms of enlistment in camp? An army will never be of real use in war whose recruitment was marred by a defective examination and selection of men. And as we have learned from experience and proof, the disasters which we suffer from the enemy almost always occur in the instances where, and are due to the fact that, a long peace has led to a careless choice of soldiers, the civil offices are fought for by worthless and inefficient men, and in consequence, through the favor or fraud of the examining officers, recruits sent in by the land-owners to fill the quotas imposed upon them are accepted for service though they are of a quality that any master would scorn to have as slaves. Therefore it is only by able and responsible men and with the utmost care that the choice of proper novices should be made. After such a careful selection has been made and approved in a judicial manner, those should be registered and enlisted in the service who are found to be fit for it. For swiftness and strength of body are both required, and there should also be an examination of whether a man is capable of learning the discipline of arms and whether he has the self-reliance of a soldier. For many who are not unlikely in appearance will yet by tests be found to be unfit. Therefore the unfit must be rejected and their places filled with the ablest men that can be found. For in

every conflict it is not numbers that count, so much as valor. To testing and forming and enhancing the latter quality, the labor and judgment of the leader should be directed. For after the recruits are selected and enrolled, then by daily exercises they should be taught the science of arms so as to become complete and able soldiers in light armor and heavy, on land and sea, and both as infantry and cavalry.

CHAPTER VI

OF THE ILLS WHICH COME UPON OUR COUNTRYMEN FROM NEGLIGENT CHOICE OF SOLDIERS, AND HOW HAROLD SUBDUED THE WELSH.

The practice of this discipline has fallen into disuse either from the enjoyment of long peace or in consequence of the assaults of effeminacy and luxury which break the spirits of men, or else by reason of the cowardice of our youth and the inertia of the leaders of the present age. For what man can you find who can ably teach what he himself has not learned?

"Now we suffer from the ills of prolonged peace; fiercer than arms
Luxury has made its bed with us and is avenging the conquered world." [1]

Turn over the ancient and modern histories and you will find it clear that the clash of peoples, collision in arms, human slaughter, and terrible disasters always accompany or follow in the train of luxury. Not to seek far afield for examples, the Britons of Snowdon are now irrupting and extending their frontiers, and, coming forth from their caverns and hiding-

[1] Juv., *Sat.* vi, 292–3. It is interesting to speculate whether John was here voicing a general feeling of military unpreparedness, and, if so, whether this was a motive for the Assize of Arms published by Henry II. in 1180. See Ramsay, *"The Angevin Empire,"* p. 43; Norgate, *"England under the Angevin Kings,"* ii, 177, 178. It is also interesting to speculate whether there was any connection between such a feeling and the sudden rage for tournaments which broke out in France in Henry's time and resulted in their importation into England under Richard I. See Haskins, *"The Normans in European History,"* pp. 155–157; Norgate, *"England under the Angevin Kings,"* ii, 342; Jusserand, *"Les Sports et Jeux d'Exercise dans l'ancienne France,"* pp. 50, 58.

places in the woods, are occupying the open country, and attacking or taking by storm, and destroying or keeping for themselves, the strong places of our nobles and leaders in the very sight of the latter. This is because our youth

"Who delight in life under a roof or in the shade," [2]

as if they were born but to consume the fruits of the earth, sleeping until daylight, postponing honorable duties to fornication, pursuing sensual pleasure the live-long day, are better acquainted with the cithern, the lyre, the tambourine and the note of the organ at the banquet, than with the sound of the clarion or trumpet in the camp. In all of which, it is plain that there has been a failure to make a proper selection, or any selection at all, of a leader, and that there has been a disappearance, or at least a slackening, of discipline. For when the need arises to join battle, they have too little courage when equipped with light armor, and when equipped with heavy armor too little agility. They find the latter such a burden that they cannot pursue the enemy, and the former so saps their courage that they will not stand to meet his attack because they fear that they will be exposed to wounds.

And so our borders are ravaged while our youth are being trained; and while our soldiery is being armed, the enemy escapes, and, as the saying goes, the wolf gains a safe hiding-place while the dog does not even bark. There is none to seize the enemy as he departs, or to pursue him, because a man who is encumbered is neither a match for, nor successful against, a foe who is free and agile. For this enemy does not seek the protection of walls and moats, but a place which is as accessible to our soldiers as it is to him, although of course not equally well-known. And he abides there in perfect safety because, and only because, our soldiery trust not to their own valor but to the protection of armor.

[2] Juv., *Sat.* vii, 100.

The recent history of the English tells how, when the Britons had made an irruption and were ravaging England, Duke Harold was sent by the most pious King Edward to subdue them. He was an able warrior with an illustrious record of praiseworthy achievements, and one who might have transmitted his own glory and that of his family to future generations had he not imitated the wickedness of his father and tarnished his titles of merit by disloyally assuming the crown. When, therefore, he discovered the nimbleness of the nation he had to deal with, he selected light-armed soldiers so that he might meet them on equal terms. He decided, in other words, to campaign with a light armament shod with boots, their chests protected with straps of very tough hide, carrying small round shields to ward off missiles, and using as offensive weapons javelins and a pointed sword. Thus he was able to cling to their heels as they fled and pressed them so hard that "foot repulsed foot and spear repulsed spear," and the boss of one shield that of another.[3] And so he reached Snowdon, the Hill of Snows itself, and wasted the whole country, and prolonging the campaign to two years, captured their chiefs and presented their heads to the king who had sent him; and slaying every male who could be found, even down to the pitiful little boys, he thus pacified the province at the mouth of the sword. He established a law that any Briton who was found with a weapon beyond a certain limit which he set for them, to wit the Foss of Offa, was to have his right hand cut off by the officials of the king. And thus by the valor of this leader the power of the Britons was so broken that almost the entire race seemed to disappear and by the indulgence of the aforesaid king, their women were married to Englishmen.

Do you then see what advantages follow from the proper selection of a leader and from the training of the youth in arms?

[3] Cf. Sil. Ital., iv, 352–3.

CHAPTER VII

WHAT IS THE FORMULA OF THE SOLDIER'S OATH AND THAT, WITHOUT IT, A MAN MAY NOT BE A SOLDIER.

By ancient law no one was presented with the soldier's belt without the binding sacrament of an oath. As may be read in Julius Frontinus, it was during the consulship of Lucius Flacus and Gaius Varro that an oath was first required to make a man a soldier; before that time only an oath of allegiance was administered by the tribunes, but the soldiers swore to one another that they would not run away for fright, nor leave the line of battle except for the purpose of getting a weapon or striking an enemy or to save a comrade. And this was called the military oath; and the practice was confirmed by the authority of the most Christian emperors and by usage.

On the testimony of Vegetius the formula of this oath is as follows: The soldiers swear by God and His Christ and by the Holy Ghost and by the prince's majesty, which according to God's commandment is to be loved and worshipped by the human race. For when anyone receives lawful princely power, faithful devotion is to be accorded to him and ever watchful service as to God present and manifest in the flesh. Both the private citizen and the soldier serve God when they loyally love him who reigns by the authority of God. They swear, I say, that they will do the best of their ability all things which the prince shall enjoin upon them; that they will never desert from military service nor refuse to die for the commonwealth, of which they are the enlisted soldiers. After they have taken this oath, they are presented with the soldier's belt and become

entitled to the soldier's privileges. And so the rule obtains that a soldier is made such by selection and by oath in the sense that without selection no one is enlisted or can take the oath, and without the oath no one is entitled to the name or official standing of a soldier.

Marcus Tully in his book of Offices [1] tells that when Pompilius was once the general in command of a province, the son of Cato was serving in his army as a recruit. Pompilius deciding to disband one legion, he discharged among the rest the son of Cato who chanced to be serving in that legion. As the latter, however, remained in the army because of his love of fighting, Cato wrote to Pompilius that, if he permitted him to remain in the army, he should cause him to take a second oath because, the effect of his former oath having come to an end, he could not lawfully fight against the enemy. There is also a letter of Marcus Cato the elder to his son Marcus in which he writes that he has heard that he has been discharged by the consul while he was a soldier in Macedonia in the war against Perseus. He accordingly warns him to be careful not to go into battle; for he says that it is not lawful for a man who is not a soldier to fight the enemy. Behold, then, how a man of the greatest wisdom did not consider a man to be a soldier unless he was consecrated to military service by an oath.

[1] Cic., *De Off.* i, 11, § 36.

CHAPTER VIII

THAT THE SOLDIERY OF ARMS IS NECESSARILY BOUND TO RELIGION LIKE THAT WHICH IS CONSECRATED TO MEMBERSHIP IN THE CLERGY AND THE SERVICE OF GOD; AND THAT THE NAME OF SOLDIER IS ONE OF HONOR AND TOIL.

Turn over in your mind the words of the oath itself, and you will find that the soldiery of arms not less than the spiritual soldiery is bound by the requirements of its official duties to the sacred service and worship of God; for they owe obedience to the prince and ever-watchful service to the commonwealth, loyally and according to God. Wherefore, as I have said above, those who are neither selected nor sworn, although they may be reckoned as soldiers in name, are in reality no more soldiers than men are priests and clerics whom the Church has never called into orders. For the name of soldier is one of honor, as it is one of toil. And no man can take honor upon himself, but one who is called of God glories in the honor which is conferred upon him.

Moyses and the leaders of the faithful people, whenever it became needful to fight the enemy, selected men who were brave and well-trained to war. For these qualities are conditions prerequisite to selection. But the man who without being selected yet forces his way into the service, provokes against himself the sword which he usurps by his own rashness. For he runs against the everlasting decree that he who takes up the sword shall perish by the sword.[1] Indeed if we accept the

[1] Matthew xxvi, 52.

authority of Cicero regarding such a man, he is rightly called not a soldier but an assassin. For in the writings of the ancients men are called assassins and brigands who follow the profession of arms without a commission from the law. For the arms which the law does not itself use, can only be used against the law.

The sacred Gospel narrative bears witness that two swords are enough for the Christian *imperium;* all others belong to those who with swords and cudgels draw nigh to take Christ captive and seek to destroy His name. For wherein do they partake of the character of the true soldier who, although they may have been called, yet do not obey the law according to their oath, but deem the glory of their military service to consist in bringing contempt upon the priesthood, in cheapening the authority of the Church, in so extending the kingdom of man as to narrow the empire of Christ, and in proclaiming their own praises and flattering and extolling themselves with false commendations, thus imitating the braggart soldier to the amusement of all who hear them? Their valor shines forth chiefly in stabbing with swords or tongues the clergy and the unarmed soldiery. But what is the office of the duly ordained soldiery? To defend the Church, to assail infidelity, to venerate the priesthood, to protect the poor from injuries, to pacify the province, to pour out their blood for their brothers (as the formula of their oath instructs them), and, if need be, to lay down their lives. The high praises of God are in their throat, and two-edged swords are in their hands to execute punishment on the nations and rebuke upon the peoples, and to bind their kings in chains and their nobles in links of iron.[2] But to what end? To the end that they may serve madness, vanity, avarice, or their own private self-will? By no means. Rather to the end that they may execute the judgment that is committed to them

[2] Ps. cxlix, 6–8.

to execute; wherein each follows not his own will but the deliberate decision of God, the angels, and men, in accordance with equity and the public utility. I say "to the end that they may *execute*"; for as it is for judges to pronounce judgment, so it is for these to perform their office by executing it. Verily, "This honor have all His saints."[3] For soldiers that do these things are "saints," and are the more loyal to their prince in proportion as they more zealously keep the faith of God; and they advance the more successfully the honor of their own valor as they seek the more faithfully in all things the glory of their God.

[3] Ps. cxlix, 9.

CHAPTER IX

THAT THE FAITH WHICH IS OWED TO GOD IS TO BE PREFERRED BEFORE ANY MAN, NOR CAN MAN BE SERVED UNLESS GOD IS SERVED.

It makes no difference whether a soldier serves one of the faithful or an infidel, so long as he serves without impairing or violating his own faith. For we read that men of the faith served Diocletian and Julian and other godless rulers as soldiers, and gave them loyalty and reverence as being princes engaged in the defence of the commonwealth. They fought against the enemies of the empire, but they kept the commandments of God; and if ever they were bidden to disobey the law, they preferred God before man. "Princes sat and accused them";[1] but they were practiced in the justifications of God, speaking firmly and doing His commandments without perplexity and with all loyalty. We also read that David served Achis, and observed toward him the loyalty and reverence of a soldier.[2]

This rule must be enjoined upon and fulfilled by every soldier, namely, that he shall keep inviolate the faith which he owes first to God and afterwards to the prince and to the commonwealth. And greater things always take precedence over lesser, so that faith is not to be kept to the commonwealth nor to the prince contrary to God, but according to God, as the formula of the military oath itself puts it. Wherefore I marvel greatly if any prince dares to put his trust in those whom he sees not keeping the faith which they owe to their God, to

[1] Ps. cxix, 23.

[2] I Sam. xxvii, 2.

whom, without mentioning other obligations, they are bound even by their military oath. Under what disease of the reason must a prince be laboring who trusts that a man will show fidelity to himself who before his eyes reveals himself as corrupt and faithless toward Him to whom he is under the greatest of all obligations? It may be said in answer that such a man fears his prince; but surely if another and stronger prince shall appear upon the scene, he will fear him more. Perchance he loves his prince; but if another, who is kinder and more generous, shall appear, he will doubtless love him with an even greater love. There is nought which the godless wretch will not stoop to do who prefers man before God. It is vain to expect one to be true to his secondary loyalty who holds his primary loyalty in no regard.

CHAPTER X

OF THE PRIVILEGES OF SOLDIERS, AND THAT THEY ARE BOUND TO THE CHURCH BY THEIR OATH, AND WHY THE SWORD IS OFFERED UPON THE ALTAR.

Soldiers are rightly allowed many privileges of broad and generous scope by the ancient law.[1] For they are both more free and enjoy a larger number of immunities than other men. Thus they are excused from the *angaria* and *parangaria*,[2] and from all base services; they are likewise permitted to plead ignorance of the law; and, although under the *patria potestas*, they have the power to dispose by will of their *peculium castrense*. Most important of all, out of regard for the public safety they are not permitted to be in want, and they have many other special privileges of a similar character which would be too long to enumerate in detail. Though some of them do not regard themselves as bound to the Church by a solemn oath, because today by general custom no such oath is actually taken, yet there is none who is not in fact under an obligation to the Church by virtue of a tacit oath if not of an express one. And perchance the solemnity of the oath has been given up for precisely the reason that the requirements of their office and the sincerity of their faith are a sufficient inducement and guarantee of the same result. Whence the solemn custom has now taken root, that on the day on which a man is girt with the belt of a soldier he goes solemnly to the church, and placing his sword on the altar like a sacrificial offering, and making as it were a public profession, he dedicates himself to the service of the

[1] Dig. l. 5., 10., § 2.; xxix, 1; xlix, 17; Justin., Code x, 47, 12; xii, 16, 3.
[2] Forced services.

altar and vows to God the never-failing obedience of his sword, that is to say, of his performance of the duties of his office.

Nor is it needful that this profession should be made expressly and in so many words, since the lawful profession of a soldier seems implicit in his act. Who would demand of an illiterate man whose duty is to know arms rather than letters, that he should make a profession in writing? Bishops and abbots are visibly bound to fidelity and obedience by a written or spoken profession; and they are truly bound, for it is not lawful to break faith with God. But it is surely an act of even greater, or at least of equal solemnity, which soldiers perform when they offer up not a parchment but their sword, and as it were redeem from the altar the first-fruits of their office; whereby they enter into the perpetual service of the Church; for as they must lawfully do all that in them lies for the Church, so it is not lawful for them to do aught against the Church. Luke relates [3] that the soldiers came to John to be baptized, asking him, "Master, what must we do?" And he said unto them, "Extort from no man by violence, neither accuse any one wrongfully, and be content with your wages." A faithful saying worthy of all acceptance, and befitting the forerunner of grace, the herald of the Truth, the precursor of the Lord. For he knew that the military arm is only too prone to commit outrages, is practiced and hardened in rapine, and seldom or never is so satisfied with its own that it does not lust after that which belongs to others. Therefore by forbidding extortion he closed the door to outrages, and by excluding false accusations he banished rapine. Also he condemned avarice when he bade each to be content with his own wages. For, as has been said, a soldier is never permitted to be in actual want, since, as long as he is in the service, he is paid the wages of his service, and, after he has been honorably discharged, he is provided from the public funds with land or such other support as his need requires

[3] Luke iii, 14.

CHAPTER XI

THAT SOLDIERS ARE TO BE PUNISHED WITH SEVERITY IF IN CONTEMPT OF MILITARY LAW THEY ABUSE THEIR PRIVILEGES.

But if the soldier, contrary to the prohibition of John and the precepts of the law, falls into theft and rapine, he must be punished with the greater severity which is meet for one who has always handled a sword and dealt in harshness; and his audacity must be curbed to the end that he may be taught in his own person how severely men are to be punished who assail the law which they have undertaken to defend. For as soldiers enjoy many immunities and privileges beyond other men, so they must be subjected to sharper penalties if convicted of having shown themselves unworthy of their privileges. Nor can they take advantage on this point of ignorance of the law, since while they have the privilege of being ignorant of the general public laws, they are not, however, permitted to be ignorant of their own duty. For although a priest may at the time of his ordination be ignorant of the particular difficulties attendant upon the life into which he is entering, nevertheless he is bound, simply because he takes up an office the difficulties of which are undeniable, to bear the burdens of the priesthood which he has assumed. And so if he is guilty of negligence or malice, he deserves punishment, which is all the more severe in proportion as they deserve greater punishment who, occupying a station wherein much honor is due them, are yet discovered in secret or open crime. Crimes are punished in one manner, misdemeanors in another, since the former generally de-

mand a penalty of blood, while the latter call rather for what may be described as medical treatment, according to the nature of the offence. Such treatment is at times simple, at others it must be combined, as it were, with a certain sharpness.

In truth, although discipline is necessary in every profession, it is nowhere more so than in the clergy and the army; and the soldiers whose service is not performed in the spiritual field require the greater severity of corporeal punishment.

There is no worse enemy of both services than luxury, because all intemperance is utterly opposed to the good order which is implied in ordination. For where there is no order, confusion takes its place, and, unless it is repressed by the goad of correction, without doubt it leads of necessity to dishonor. For what can a man do bravely whom luxury and intemperance have not so much disarmed as completely sapped of life? The fourth book of the Stratagems of Julius Frontinus relates that Publius Scipio, finding the army at Numantia corrupted by the laxity of his predecessors in the command, reformed it by dismissing a vast number of camp-followers, and restoring the soldiers to fitness for service by daily exercises. With these he combined frequent marches, requiring the soldiers to carry provisions for several days, to the end that they might become accustomed to endure cold and rain, and to cross the fords of streams on foot. Meanwhile, he denounced them unceasingly for their faintheartedness and effeminacy, and he caused all the baggage to be broken up which was for the uses of luxury and a hindrance to efficiency. The most memorable incident of the whole episode occurred in connection with the tribune Gaius Nummius, to whom Scipio is reported to have said: "To me you are a nuisance for a little while, but you will always be a nuisance to yourself and to the commonwealth."

Quintus Metellus during the war with Jugurtha corrected a similar lapse of discipline by a like severity, and in addition for-

bade his soldiers to eat meat otherwise prepared than roasted or boiled. Philip, when he was first forming his army, forbade any of his soldiers to ride in conveyances, permitted the knights to have only one servant apiece, and for every ten foot-soldiers allowed only one man to carry the hand-mills and cordage; when they were setting out on a summer campaign he ordered every man to carry a thirty days' supply of flour on his back. Gaius Marius, to reduce the baggage, which is the greatest encumbrance of an army on the march, had the soldiers' utensils and food packed into little bundles and fitted on forked instruments which made the weight more manageable, and also made it easier for them to rest; whence the proverb, "Marius has many soldiers, because they are all mules." [1]

The Spartan Lisander once punished a certain soldier who had fallen out of line. When the man protested that he had not left the column for the purpose of plundering, Lisander replied: "I do not want you to even give the appearance of a pillager." Publius Nasica during the winter set his soldiers to building ships, although he had no use for a fleet, to the end that they might not be corrupted by idleness or tempted by the license of inactivity to commit outrages against their allies.

Frontinus also tells, among other notable instances of steadfastness, that the people of Cassilinum, when besieged by Hannibal, suffered such want that tradition relates that a mouse was sold for a hundred denarii, and that the seller perished of hunger, but the buyer survived; and in such straits they preserved their loyalty to the Romans. The people of Petilia, when besieged by the Carthaginians, drove out their aged parents and young children because of their dire want, while they themselves sustained life upon leather moistened and dried in the fire, and upon the leaves of trees and every kind of living thing; and in

[1] It is impossible to reproduce the Latin pun in English.

this way they held out during a siege of eleven months. The Spaniards of Fabra [2] endured all the same privations and still did not surrender their town to Herculeius. When Metridates was besieging Cizium he caused the captured citizens to be led out and displayed to the besieged, thinking that pity for the sufferings of their fellows would force the townsmen to surrender. But, instead, they exhorted the captives to meet death bravely, and preserved their loyalty to the Romans. The people of Eglonia,[2] when Juriatus offered to restore to them their children and wives, preferred to behold the tortures of their dear ones rather than prove unfaithful to the Romans. The people of Numantium, rather than surrender, preferred to die of hunger behind the barred doors of their homes; and, on the authority of Orosius, they would have conquered the Romans had not the latter fought under Scipio.

[2] These names represent a corruption of the text of Frontinus; see Gundermann's edition, iv., 5, §§ 19, 22, pp. 132, 133.

CHAPTER XII

THAT THERE ARE VARIOUS KINDS OF PUNISHMENT FOR THOSE WHO DISOBEY THEIR COMMANDER, AND HOW FAR OBEDIENCE IS DUE; AND IN RESPECT OF WHAT COMMANDS MILITARY JURISDICTION IS COMPETENT AND WHERE NOT.

Various kinds of punishment were meted out to those who did not obey the precept of their commander or of the law. For some are punished in point of fortune, others in reputation, others corporally. Read through Frontinus and you will find throughout that this is so. Thus the consul Aurelius Cotta, when under the compulsion of necessity he had ordered the knights to come to his aid, and part of them refused to obey the command, lodged a complaint with the censors with the result that they were reprimanded by the Senate. He also caused their back pay to be cancelled; and the tribunes brought the matter before the plebeians, and the disciplinary action was confirmed by the consent of all. Quintus Metellus Macedonicus in Spain once ordered five cohorts which had given way before the enemy to make their wills, and sent them back to recover the position which they had lost, warning them that he would not receive them back until they were victorious. The Senate, when the troops of Publius Valerius had disgracefully fled, resolved that no reinforcements should be sent him until he had conquered the enemy. The legions which during the Punic war had refused military service were banished to Sicily, and by a decree of the Senate were put on barley rations for seven years. The decision of Appius Claudius and the decree of the Senate punished all who had been captured by Pirrus, king of

Epirus, and were afterwards returned, by reducing those who were knights to the rank of foot-soldiers, and those who were foot-soldiers to the ranks of soldiers of the light-armed class, and all were ordered to remain outside the city walls until each individual could bring back the trophies of two of the enemy. So much from Frontinus. Pliny says that another military punishment used in ancient times was to order a cowardly soldier to have a vein opened and lose blood; and although he could not find in the old writings the reason for this, he thinks that it was first done in the case of soldiers whose spirit was numbed and depressed below their normal temper, so that it appeared to be rather a kind of medical treatment than a punishment; but afterwards he thinks that it came to be applied from custom to other offences generally, as if all soldiers were thought to be out of health who transgressed against their duty. The less important offences were not visited with shameful punishments, although even as to these no room was left for carelessness, because of the strictness of military discipline.

It is a well-known tradition that the ancient Greeks wore a ring on the finger next to the little finger of the left hand. It is said that among the Romans also such rings were in common use; and the reason of this, says Apion in his Egyptian books, is because it has been found by the dissection and opening up of bodies, which was practiced among them and which the Greeks call "anatomy," that a certain extremely fine and slender nerve runs from this finger whereof we are speaking directly to a man's heart and into it; so that it seemed proper that this finger in especial should be adorned with such a mark of honor because it was seen to have such close connection with the heart, the ruling seat of the body. Wherefore they thought that men were to be given medical treatment or punished, as having no hearts, who transgressed against their duty as soldiers.

To return to Frontinus,[1] it is narrated by Sempronius Asellus

[1] This should be Gellius, I, xiii, §§ 10, 11.

and many other writers of Roman history that Crassus held five things to be his chief and principal blessings in life: to wit, that he was surpassingly rich, that he was of the noblest birth, that he excelled in eloquence, that he was deeply learned in the law, and that he was pontifex maximus. Such was the man who, having obtained during his consulship the province of Asia and when he was preparing to invest and besiege the city of Leucas, found that there was need of a long heavy beam to construct a battering ram wherewith to break down the walls of the city. He accordingly wrote to Magnus Gaius, the mayor of the Athenian allies and friends of the Roman people, to procure and send to him whichever was the larger of two masts that he had seen among them. Then Magnus Gaius, having learned the purpose for which the mast was desired, sent him not the larger of the two as Crassus had commanded, but the one which in his own opinion was the more suitable and better fitted to make a battering ram, as being the easier to carry, and this chanced to be the smaller of the two. Crassus bade him to be summoned before him, and after asking him why he had not sent the one which he had ordered, rejected utterly the reasons and excuses which he offered, and ordered his garments to be stripped from him and caused him to be severely flogged with rods, deeming that the authority of a commander is wholly destroyed and brought to nought if one who is bidden to do a thing responds not by duly obeying, but by giving advice which is not asked.

What more severe judgment, I ask, could a stern abbot have pronounced against a monk of the stricter rule? For he had transgressed only in this, that he had not obeyed the command which was given him, although perchance what he actually did was really more useful and advantageous. For as those who follow the religious life ought not to discuss but to carry out the commands of their superiors so long as they are not in conflict with the eternal commandment; so in military service

there must be no questioning of the commander's orders by the soldier, unless perchance the thing which is ordered is found to be expressly hostile to the safety of the commonwealth. For in that case none but a faithless and godless soldier will comply. For what is more wicked, what more detestable, than, without regard for the requirements of loyalty and good-faith, to assail anything, no matter what, that a man's commander orders him to assail? Is it not in the eyes of all a melancholy and cruel speech and full of faithless perfidy which says:

"If you bid me plunge my sword in my brother's heart or my father's throat,
Or into the womb of my wife big with child,
I will do in full your bidding, though with unwilling hand;
If you bid me pitch a camp on the waters of the Tuscan Tiber
I will boldly walk like a surveyor into the Hesperian fields.
Whatsoever walls you wish to level with the plain,
A battering ram propelled by these muscles will scatter their stones,
Though the city which you wish to be thus utterly wiped out should be Rome herself." [2]

What more wicked speech could there be, or whereat a Roman Emperor ought more greatly to be offended if he were truly faithful? For the infamous soldier seeks to prove the faithfulness of his faith precisely by convicting himself of the greatest faithlessness and perfidy. Great reverence is of course due to the commander, but always saving the sanctity of the soldier's faith. Some things are so necessary that they require no command; others so detestable that no command will possibly justify them or render them permissible. Other things intermediate between the two classes, and which are neither necessary goods nor detestable evils, rest in the discretion of the commander. Whether the commander consents or not, God

[2] Lucan, *Phars.* i, 376–86.

must be loved because of the necessity of doing that which is right. Whether the commander consents or not, adultery must be declined because of the wickedness of iniquity. But such matters as whether or not to enter on a campaign, whether or not to conduct a foray or a sortie, and other things which the philosophers count as "indifferent," are left to the discretion of, and raise only the question of the respect due to, the commander. In such matters it is a crime even to blink an eye save at the commander's bidding, or disrespectfully to lift a hand, on the basis of one's own knowledge, to the accomplishment of any work. He that is under subjection must be blind on this side as a condition of living, for the day that of his own discretion he raises a rash hand to the tree of knowledge which God reserves for Himself and for those in authority, he runs into the noose of death. For it is not lawful for subjects to judge what is good or bad in such matters, but rather to show complete respect for those in authority and faithfully obey their commands.

Therefore the soldier, in all things which pertain to the duties of his public station, must attempt nought at all unless the thing which he believes should be done is first confirmed by the command or permission of his leader. Wherefore in many instances those who, spurning their commanders, or not waiting for their orders, have joined battle with the enemy of the commonwealth and been victorious, have often received not so much glory for their victory as punishment for their rashness or disobedience. What then does a deserter or one who quits his post deserve, if military discipline punishes even the victor with such severity?

In the Stratagems of Julius there is found a story that Clearcus the Spartan general said that an army ought to stand in greater fear of their own commander than of the enemy, because the death which they feared in battle was at least doubtful, while the punishment that awaited those who deserted their

posts was certain. Lucius Papilius Cursor, when his master of the horse, Fabius Ruptilius, had fought a battle contrary to his orders, though with a successful outcome, demanded that he be flogged and was on the point of beheading him; nor would he remit the punishment in response to the protest and prayers of the soldiers, and when Fabius escaped to Rome, he pursued him thither; and even then Fabius was not relieved from fear of punishment until he and his father had prostrated themselves at his knees, and the Senate and people likewise requested it. And that you may not attribute this to old enmity between them, Mallius, whose surname was afterwards "the imperious," caused his own son to be flogged and beheaded in the sight of the army because he had fought with the enemy contrary to the command of his father, even though he had been victorious. Indeed, just as military discipline is essential to the commonwealth, so it is taken in good part by all, to the point that even the younger Mallius, when the army was preparing to mutiny in his favor against his father, reminded them that no man was of sufficient importance to justify the subversion of military discipline on his account, and so he persuaded them to let him bear his punishment. Appius Claudius, when some of his troops had broken and given way in battle, caused each tenth man of the culprits, chosen by lot, to be beaten to death with a cudgel. Fabius Rutilius, when consul, selected twenty men by lot from each of two legions which had given way, and caused them to be beheaded in sight of all the soldiers. He also condemned to the axe three men from each of the centuries whose position the enemy had broken through. Quintus Fabius Maximus cut off the right hands of deserters. Marcus Cato tells us that men who were caught thieving among their fellow-soldiers had their right hands cut off, or if it was desired to be more lenient to the culprit, for first offences the penalty was blood-letting. Mutiny was punished by beheading, to the end that by the punishment of a few

the authority of the commander might reëstablished, and with it the security and repose of the commonwealth. Julius Cæsar when a mutiny broke out is said to have restored order in the camp and to have won back the soldiers to obedience by putting a few to death.

CHAPTER XIII

WHY SOLDIERS ARE DEPRIVED OF THEIR BELT, AND THAT A SOLDIER WHO HAS BEEN DISHONORABLY DISCHARGED HOLDS NO COMMERCE WITH SWORD OR SPEAR, AND WHY THE SWORD IS INSERTED IN THE BELT.

It happens at times that for some transgression soldiers are deprived of their military belt, especially in cases where they are guilty of sacrilege.[1] For by the old law it was ordained, and the provision is not abolished in the new, that whoever does not keep his military oath, and attacks the religion which he professes, shall be punished by the loss of his belt. It is said that by this edict Julius kept his soldiers in check, since it was unlawful for them upon their entrance into the city to rob the inhabitants or the temples of the gods; and that afterwards when the revolt grew more serious, this brought reproach upon him;[1a] for being bound by oath to the Roman divinities and citizens they could not rightfully attack those whom their oath obliged them to defend. Also Gaius Curio, during the Dardanian war about Dirachium, when he saw one of his five legions becoming mutinous, ordered it to advance unarmed and compelled the men to cut straw without their belts in sight of the armed legions, and at the end of the day he compelled the soldiers to dig a ditch, also without their belts; nor could the prayers of the legion move him not to strike its standards and abolish its name; and he distributed the soldiers to fill out the

[1] See Justin., *Cod.*, i, 1, 4.

[1a] This is the only rendering I can suggest for Webb's reading *"improperavit"*; earlier printed editions have *"improperant."*

other legions. Those who had thus deserved to be deprived of their belts were not restored before they had signalized themselves by the merit of virtues excelling others. The troops who had given way in the fight at Cannae and were banished to Cicily, besought the consul Marcus Marcellus to lead them into battle. He took counsel of the Senate, and the Senate declared that they were not willing to entrust the safety of the commonwealth to men who had deserted it. Nevertheless they permitted Marcellus to do what he deemed best, providing however by law that none of the men concerned should be granted a furlough or presented with any reward or honor, or permitted to return to Italy so long as the Carthaginians remained there; and during the time that they were deprived of their belts, they neither received any pay nor enjoyed any of the privileges of soldiers, nor held any commerce with sword or spear. And for this reason by a far-sighted provision of the ancients, the sword is inserted in the belt, namely to show that by the conferring of the honor of the belt the power of the sword is also conferred. And whoever enters into military service is rightly decorated with the belt because the necessity of his office demands that he shall always be girded up for the service of the commonwealth. For a man is wont to be girded up who has pressing duties incumbent upon him; while one who is on a furlough or vacation is allowed to be ungirt. Wherefore the saying in the Book of Kings: "Let not him that is girded up boast as one that is ungirt";[2] for anxiety in the face of impending labor leaves no leisure for boasting, while the liberty of idleness and the security of repose commonly produce an exulting spirit. The belt is therefore a symbol of labor, and labor deserves honor, so that it should be clear to all that he who refuses to submit to the labor which is imposed upon military service as its distinguishing mark, vainly wears the honor

[2] 1 Kings xx, ii.

of a sword in a soldier's belt. The significance of the belt is destroyed unless labor confirms and solidifies the truthfulness of the symbol. You can see many puffed up with the honor of the belt, but unless the honor is filled out by the merit of labor, it is as if a man were to sell froth for solid substance. Truly, the soldier deserves to lose his privilege who abuses the power which has been conferred upon him. One so abuses it by not doing what he ought to do, or by doing what he ought not to do, and, although either is bad, still a positive offence is more serious than a mere delict or omission. For a man commits a delict who does not fulfil his duty; he commits a positive offence, or sin, when he goes contrary to it. Thus black is more opposed than is "not white" to white, and sadness is more opposed to joy than are hope or fear, which latter, while they are not reckoned to the account of gladness, are on the other hand not directly the opposite thereof. But still a soldier abuses his belt who does not perform in full what he is obligated by his military oath to perform, just as does one who acts directly contrary to his oath. But he offends the more gravely who commits a positive adverse act, on the principle that an enemy is more to be hated than a cowardly soldier. Wherefore one who with military weapons attacks the commonwealth and its unarmed hand is most justly expelled with dishonor from the service, quite as if he had assumed the character of an enemy. But the severest of all punishments is prescribed by both human and divine law for those who commit sacrilege, and with diverse disturbances assail the Church of God; and these the law punishes not by the loss of their right hands, but with the death penalty. Though Cicero and Demostenes should undertake to act as their advocates, though in their defence Quintilian should whet his tongue and exhaust all the powers of his genius, still if the law prevails, a thing which under God is in the hands of the prince, they cannot save their fortunes and their lives from the unerring stroke of the

punishment which the law prescribes. And if the prince puts not forth his sword against such offenders, beyond doubt he provokes against himself the two-edged sword which the Son of Man bears in His mouth, a sword which is quick and sure beyond all others, which cleaves the body and the soul and sends them to Gehenna; against which every other sword is dull, and all armor of defence fragile, flimsy and unavailing, save that alone which grace prepares out of a fabric of good works. And yet the number is legion of those who when they offer their belt upon the altar for the purpose of consecrating themselves to military service, their evil works seem to cry aloud and proclaim that they have approached the altar with the intention of declaring war against it and its ministers, and even against God Himself who is worshipped there. I should more readily believe that such men were cursed to infamy than consecrated to lawful warfare.

CHAPTER XIV

THAT MILITARY DISCIPLINE IS OF THE GREATEST USE, AND OF WHAT CHIEFLY DESTROYS MILITARY STRENGTH.

Therefore military discipline is necessary, and I cannot easily say how great is the utility thereof. As has been said, discipline profited the Romans to the point that they subjected the whole world to their sway. Also Alexander of Macedon, who inherited from his father a small but well-trained army, after habituating it to service, attacked the world and overthrew countless hosts of foes. Xerses was checked at Termopilae by scarce three hundred Spartans, and after he had with difficulty destroyed them by his enormous force and at the cost of a large number of his men, he said that he had been thus trapped because, while he had many men, none of them were steadfast in discipline. And this was the truth, as was attested by their flight at Salamis, where shameful defeat came upon that king who led to war so many nations that even their leaders could scarce be numbered; and he escaped with barely a single ship. For it is said that his custom was to count the leaders of his army because of their multitude by taking a spear from each leader, so that from the number of the spears the number of the leaders might be ascertained. But a leader is utterly useless who does not maintain discipline among his men; and he hopes in vain for victory who does not assiduously train both the minds and hands of his soldiers. One who becomes a soldier suddenly, will desert his leader with like suddenness, nor will a soldier be steadfast to endure labor who has not been trained

and practiced in labor continually. Cæsar was confident of heart because he found opposed to him an army of sudden soldiers and a superannuated leader who during the long repose of peace had unlearned the art of leadership.

Even when victory is despaired of, the heart may still be roused to courage by the hope of revenge. For at times

"The only safety of the vanquished is to hope for no safety," [1]

and to regard themselves as victorious if none dies unavenged. To sate revenge then comes to be looked upon as a great boon; and loss of life is well repaid by the consolation of vengeance. A man easily falls in with the necessity of fighting if he has difficulty in finding any way of escape. Men who are aggressors tend to dare too much, and often their opponents by desiring to die honorably and manfully have the good fortune to win the victory. For "fortune favors the brave" [2] and, when the crisis of the fight impends,

"The degenerate mind is disclosed by fear," [3]

than which nought is more disgraceful in those who profess the name and office of a soldier. For military law visits the cowardly with its greatest severities.

The leader in war must also use the utmost care

"That women and wine do not make soft the soldier's heart." [4]

For luxury always conquers, but only those whose strength it has first sapped; and it is to be avoided the more zealously for the greater fierceness with which it rages among its votaries. Antiochus formed an army of such luxury and extravagance that even the common soldiers made their boots of gold, and trod under foot the stuff for love whereof the peoples war.

[1] Verg., *Aen.* ii, 354.
[2] *Aen.* x, 284.
[3] *Aen.* iv, 13.
[4] Ov., *Fast.* i, 301.

Also the Parthian nation is frequently vanquished because it is so luxurious. For

"As you advance toward the land of the dawn and the heat of the world,
The mildness of the sky softens the nations." [5]

They are not wont to meet in the front and shock of battle hand to hand, but try so far as may be to injure the enemy from a distance. They do not know how to sit down before a city and win it by patience and strength. They fight mounted on horses which charge and then turn their backs, pretending flight. By ancient custom they give their signals not with the trumpet but with the timbrel; nor can they fight long, for they would be irresistible if their endurance equalled their onset. By nature silent, more ready to act than to speak, sparing of food, with no fidelity to word or promise, they obey their chiefs from fear, not from respect or duty. But a government which is corrupted by luxury, cannot long stand, or if it stands, will vomit forth under the pressure of God's judgment whatever it has drunk down with immoderate luxury. It does not know its own just measure, nor will it repress its intemperance before it has fallen into the last extremity of baseness through overindulgence in license.

Analyze the calamities of the Assyrians and you will be convinced by the testimony of history that luxury was the cause which overturned their kingdoms. Among other things Trogus tells that Sardanapallus, the last king of the Assyrians, was more feeble and corrupted than a woman. A prefect, who by the greatest effort had at last with difficulty obtained admission to his presence, a thing which had never before been permitted to any, found him among flocks of harlots spinning purple thread from a distaff, wearing the garb of a woman, and sur-

[5] Lucan, *Phars.* viii, 365–6.

passing all the women in the softness of his body and the wantonness of his eyes, as he divided the threads among the virgins. Having seen these things, the prefect was indignant that such a might of men, handling steel and bearing arms, should be under subjection to this woman, and reported to his comrades the things which he had seen. He said that he for one refused to obey a ruler who chose to be a woman rather than a man. A conspiracy was therefore formed; upon hearing of which, the king retired to his royal hall, and building a great pyre, lighted it and consigned himself and all his riches to the flames; herein alone imitating a man.

And thus when the ruggedness of earlier kings is sapped by luxury, effeminacy increases among their successors as it were from step to step, until at last, when it reaches the final pitch of womanish weakness, there comes destruction and dissolution. The Roman empire was almost prostrated and rent asunder under Nero, who devoured all things by his gluttony, befouled them with his lust, drained them by his avarice, shattered them by his cowardice, sucked out their life by his luxury and pride. He never donned a garment twice, that there might be at least one point wherein he could outshine all others by a glory exclusive and peculiar to himself. So long as Rome permitted, he made the whole world inglorious; whatever the industry of others accumulated was wasted by his idleness.

CHAPTER XV

THAT THE ROMANS WERE STRONG BEYOND ALL OTHER NATIONS IN POINT OF DISCIPLINE, AND THAT AMONG THEM JULIUS CÆSAR WAS SUCCESSFUL BEYOND ALL OTHERS.

But when I turn over the examples of all the nations, the discipline of the Romans shines forth far in excess of the rest. We read, however, that the Mœsians were also greatly advantaged by discipline, so that, few as they were, after they had overcome their neighbors, they dared to contend with the Romans for the empire of nations. How fierce they were may be gathered from the words of one of their chiefs when they were about to fight against the Romans. Standing before the battle line he commanded silence, and then, "Who are you?" he asked. The reply was, "We are the Romans, lords of the nations." "So you will be," he answered, "if you vanquish us." The conflict was long and terrible, but in the end the Romans were victorious, having the greater numbers and the greater strength, and being the more experienced and better practiced, but not till they had lost many of their men because the struggle was against a people firmly grounded in discipline.

Furthermore, in the whole range of military affairs there is nought more conducive to success, nor more splendid, than an accomplished general. For the valor and industry of the general balance the effectiveness of the army, as is proverbially said, like the other pan of the scale. Antiquity ascribed the triumphs of Cæsar rather to the general than to the army. For as Solinus says:[1] "As Senicius or Sergius among soldiers, so

[1] Solinus. i, 106, 107.

among generals or rather among all mankind Cæsar the dictator far outshone the rest. In his campaigns Ninias reckoned that eleven hundred and twenty-two thousand of the enemy were slain. He fought fifty-two pitched battles, in this respect being the only commander to surpass the record of Marcus Marcellus, who fought thirty-nine. In addition to this, none wrote more swiftly, none read more rapidly—he is said to have dictated four letters simultaneously,—and he was endowed with such kindness that those whom he had subdued by arms he vanquished more completely by his mercy."

CHAPTER XVI

WHAT MISCHIEFS HAPPEN TO OUR COUNTRYMEN FROM LACK OF DISCIPLINE.

But why do I hark back and brood upon the valor of the men of old times? Our age has run out, and is reduced almost to nought, is puffed up with empty honors but ignorant of the degrees of honor, delights in the vanity of words and names, but despises the true and fruitful substance of realities. The gamester, the fowler, and, whereat you will the more greatly marvel, makers of foolish songs, and men who have never dealt in any manly deeds nor have the marks of duty on them (for bristling beard and hardened skin are now in disrepute as being unmeet for works of wantonness) today put on the soldier, aspire to command and authority, and hold themselves out as leaders and teachers of a calling which they themselves have never learned. Truly valor never enlarged the boundaries of an empire which such men will not avail to diminish and altogether exhaust its strength. If you do not believe me, believe at least the results. I hesitate from shame to speak of what it is painful and shameful to endure. While our armed soldiery snores, while they assault the chastity of others and prostitute their own, while they go about the houses of the nobles exploring for banquets that they may daily feast in splendor, while they hurl projectiles of bombast and words half-a-yard long, butchering bloodlessly the Saracens and the Parthians and whoever else is reckoned under the name of foe, while our braggart soldiers are thus occupied, the men of Snowdon remain untamed, the unarmed Britons increase

in pride and daring, and almost reduce to surrender and make tributary the very Palatine counts who glory in the blood of kings. There is none who is willing to come to grips with them, or who has the valor to test their mettle in equal battle.

Soldiers protected by armor try to draw unarmed antagonists out on to open ground, while men without armor try to draw armed opponents into the woods, but because they have no confidence in their own valor, none of our soldiers will pursue them thither. Would that they had kept in mind what the Roman history tells concerning the Cisalpines in the words which follow:[1] "The inhabitants of the Cisalpines have the hearts of wild beasts and bodies more than human; but it has been found by experience that their valor, although in the first onset it exceeds that of men, becomes afterwards less than that of women. For the bodies of the Alpines, reared under a humid sky, have a certain resemblance to their own clouds; when they have once become hot in the fight, straightway they dissolve into moisture and rapid motion as though by the action of the sun." Elsewhere the fierceness of the Alpine peoples is clearly shown even by their women, who, when weapons run out, dash their babes to the ground and hurl them in the face of their advancing foes. If there were any who would fight our men of Snowdon, they would be conquered beyond a doubt, but as Amentius says, "There is none who will do the things which ought to be done, nay which fortune almost compels to be done spontaneously." An unarmed, unwarlike and barbarous tribe attack an armed province and waste and ravage it; a people who in their own homes are always hungry sate themselves from our substance and make luxurious holiday at our expense, while our soldiery gives way before them. For must we not say that soldiers give way who do not repulse an invading and threatening foe? But neither love of country nor

[1] Flor., i, 20 (iv, 4, §§ 1, 2).

love of possessions, neither loss of future security from the enemy nor the sting of shame, has sufficed to arouse the valor of our soldiery, which is now insolently mocked by the unarmed Welsh. There is a proverb which says that "unhappy is the land which is pillaged by ostlers and muleteers." If our soldiers can not be aroused by manly exhortation to act like men, would that the mothers and wives of those who will not stand fast might urge them to valor!

For this suggestion is found in the ancient histories. Thus when the Medes invaded Persia, and the Persian battle-line was beaten and put to flight, and, giving way utterly, dared not think of victory, everywhere their mothers and wives ran across the path of the fugitives, and, forming a close line of women, implored them to return to the battle. When they refused, the women tore off their garments, and bared the privy parts of their bodies, asking whether they wished to take refuge within the wombs of their mothers and wives. Checked by this rebuke they returned to the battle, and, making a charge, compelled those to flee from whom they themselves before were fleeing. Would that the wives and mothers of our Lords of the Marches would do the like, that by some means, no matter what, they may preserve their country's safety and remove the stain upon its honor!

CHAPTER XVII

THAT WE HAVE EXAMPLES OF VALOR GIVEN US BY OUR OWN COUNTRYMEN, AND OF THE CITIES WHICH BRENNUS FOUNDED IN ITALY ACCORDING TO THE ANCIENT HISTORIES.

But what we now demand of our countrymen has long since gone by, and the valor of our ancestors has so flowed away and spread itself abroad among other nations, that the rich and abundant vein of the original source seems to have wasted itself in the rivulets. For we are furnished with examples of valor not only by the Romans and the Greeks, but we abound in native examples. The histories tell that Brennus, the leader of the Senones, who destroyed the army of the Romans at the river Allia, and attacked the city of Rome itself and captured it; who then, after killing the senators and subduing Italy, invaded Greece, and laying waste everything as he went, and spreading terror everywhere, advanced to the very temple of Delphian Apollo on Mount Parnassus, where, lusting after the spoils of Apollo himself, he jested scurillously, saying that wealthy gods ought to bestow generous bounty upon men,—this Brennus, I say, is traditionally supposed to have sprung from greater Britain, which since the coming of the Saxons into the island is called England. In the twentieth book of Trogus Pompeius is found the statement that the Senonian Gauls, the comrades in arms of Brennus, after they had come into Italy, expelled the Tuscans from their seats, and founded there the excellent cities of Milan, Como, Brescia, Verona, Bergamo, Trent and Vicenza. That they built the city of Siena for their old people

and invalids and herdsmen is not only narrated by trustworthy history but is a widespread and well-known tradition; which is rendered the more probable by the fact that the Siennese in the shape of their limbs, the comeliness of their faces and the beauty of their coloring, and even in their manners, seem to resemble the Gauls and Britons from whom they took their origin, although the passage of time, the difference in climate, the location of their country, and intercourse with their neighbors, with whom they have long mingled in blood and customs, have of course changed them greatly. But still not even all these things have sufficed to blot out their Gallic coloring, namely their fairness, and reduce them to the likeness of their neighbors. For the Greeks call milk "galac," whence the "milky way" takes its name of "galaxy"; and the Gauls are so called from their milky coloring, as are the Galathae, who are also sometimes called Gallo-Greeks, in those parts of Greece which the Gallic soldiery seized and occupied. The army which Brennus led remained triumphant and unconquered until he dared to rise up against the gods themselves, attacking the very temple of Apollo at Delphi. Then, when the inhabitants piteously implored the aid of the God, they saw a youth of superhuman form and beauty on the roof of the shrine. The twang of a bow was heard and the clash of weapons; and suddenly an earthquake tore away a part of the mountain and buried the Gallic army. Then followed a tempest which destroyed the wounded with hail and cold. Duke Brennus himself, unable to endure the pain of his injuries, ended his life with a dagger. Nor need any be disturbed by the fact that Apollo, as has been said, appeared in his temple for the purpose of checking the audacity and destroying the army of the unconquered leader, who, by the permission of God and because the sins of men demanded it, had destroyed many nations; for it is certain that the powers of the air do much mischief against those who are without wholesome faith and are ignorant of the true religion.

For grace is withdrawn from such, and evil spirits are given license to harm them, since without the permission of God these spirits have no power to harm at all, even if they so desire, and, as is shown by the testimony of the Gospel, without permission given them, they would neither dare nor be able even to go away into a herd of swine.

CHAPTER XVIII

INSTANCES FROM RECENT HISTORY; AND OF HOW KING HENRY THE SECOND CALMED THE TEMPESTS AND HURRICANES OF KING STEPHEN'S TIME AND BROUGHT PEACE TO THE ISLAND.

And because the history of Brennus may perchance be thought by some to be too remote to prove the valor of a nation which is not deficient in native character but in instruction, practice, art, and perchance also in leadership, I shall come nearer to our own time, and state briefly facts which are well known to almost all.

With what valor of Englishmen Cnud crushed the Daci and Danes and quelled the outbreaks of the Norwegians is clear from the fact that, for the merit of the excellent prowess then mightily and conspicuously displayed, our own Kent holds to this day the honor of the first cohort and the right to be the first to charge the enemy in all battles. Also the province of Severus, which by the modern usage of its inhabitants is called by the name of Wiltshire, claims for itself by the same right the reserve cohort in company with Devon and Cornwall.

I come down to our own times. The king of the English who was surnamed Rufus, an able warrior but insufficiently religious, and who by his persecution of the saints, and especially of St. Anselm of Canterbury, is seen to have provoked against himself the arrow of hatred wherewith he was strangled; he, I say, stormed Cenomannum, captured the count, and yet did

not deign to consign him to the custody of a prison; and this great deed will be attested forever by Mount Barbatus, or if you prefer to use another name, let it be called Mount Barbarus, or the Mount of Barbarians. I pass on to his successor, the famous King Henry, who was called the Lion of Justice, and who, as is well known, was feared mightily not only by the cities but also by the towers and fortresses of Gaul. How he defeated and put to flight the king of the Franks in a pitched battle, I deliberately pass over to avoid becoming tedious by repeating matters which are well known, since his victory is famous and many witnesses thereof who took part in the battle survive in both realms. So too the story of how he captured the duke of the Normans, a warlike man and an able soldier who had returned from the deliverance of Jerusalem, and how under the shadow of a title he entered the boundaries of another's kingdom, I regard it as superfluous to relate, since even younger men than I have seen the captive in public confinement, though with all due respect paid to his station and his blood. To this the Norman nobles also testify, some of them captured, others imprisoned, others disinherited to this day; and the grave of the captive duke is also to be seen among us.

Finally, not to seek far afield for examples, his grandson, who is destined, if the merit of his virtues cleaves until the end to the grace which has already been bestowed upon him, to be the greatest king of the whole age among the British lands, as well as the most fortunate duke of the Normans and Aquitanians, surpassing all others not only in power and wealth but also in the splendor of his virtues, needs not to have me say how able, how magnificent, how prudent, how modest, he has been from his very infancy, so to speak, since even envy cannot remain silent or dissimulate in the presence of his recent and manifest achievements, which have spread abroad his virtues and titles of honor in a continuous chain from the boundaries of the British lands to the Spanish frontier.

"Forsooth genius and wisdom have ripened quickly in him,
Earlier than the beard of manhood, and he knows both what to say and what to leave unsaid,
And is powerful to stamp upon vice the black mark of condemnation." [1]

For God, wishing to punish the evil heart of an untruthful people, permitted the pact to be broken which had been confirmed by an oath between the nobles and the daughter of the Lion of Justice; and permitting new men to be exalted in favor, He allowed a man to reign over a kingdom which belonged to another,—a man furthermore who was a despiser of the good and the just, whose counsel was full of folly from the beginning, whose cause was founded in iniquity and faithlessness, and who neglected all discipline to the point that while he seemed not so much to reign as to pillage and ruin both clergy and people, all men were provoked to all things, and the only measure of right was force. And so, invading the kingdom, he disinherited and excluded the ruler for whom, if there had been any faith and loyalty in the man, he should have been ready to lay down his life because of the merits of his predecessors and in consequence of his own oath. He strove to corrupt neighboring nations, contracting marriage alliances and treaties of friendship with their princes, to the end that the child who was still puling in the cradle, might not by the favor of God succeed in regaining his inheritance. Many plots were laid against innocence, but in all of them iniquity deceived itself. And that God is truthful was revealed in the fact that he did not find in his own subjects the loyalty and faith which he had not kept with God and his own earthly lord; for it was meted out to him with the same measure wherewith he himself had meted out to others; as if all had learned from Ennius,

"I have neither given, nor do I give, faith to the faithless." [2]

[1] Persius, *Sat.*, iv, 4, 5, 13.

[2] Cic., *De Off.* iii, 23, § 106.

But while he did many things ill, and few things well, his worst act was that in contempt of God he laid hands on His anointed, not without the stigma of faithlessness and treachery which he acquired in the eyes of all by his wicked work, so that finally none felt secure in coming to his court. Nor did he, to his own ruin, lay hands upon bishops alone, although they were the first to suffer, but he also spread the snares of his treachery for all whom he suspected. The seizure of the bishops was but the beginning of his ill-deeds, and from that day the sword was never absent from his side, and each new act of the man was worse than those which had gone before.

What more shall I say? In his days, evils were multiplied in the land, so that if one were to sum them up he would surpass the narrative of Josephus. But the valor of the boy took its stand against them, and almost before he had attained the age of military service, he so broke the onset of the evil-doers that he might be said to be not inferior, and may he never be found inferior, to Theodosius the younger, whom historians have compared with Alexander. Nor was there delay: in the first years of his youth the still beardless boy took military duties upon him, and with countenance made bolder and arm made stronger by the divine aid, he shattered and broke the courage of the enemy. And straightway there rose up against him the kings of the Franks and the English with their combined strength, and a mightier enemy than either in Eustace, the brother-in-law of the king of the Franks, who was fighting his own fight, and striving not so much to preserve the crown for his father as to preserve his father's crown for himself. And not only did our Neoptolemus manfully withstand them all, but in most instances mightily overcame them. Whereat Eustace, whom I have mentioned, smitten inwardly with pain of heart, quitted this mortal life, which was the best deed that he ever did. While good men rejoiced and congratulated the public

good fortune, because he threatened to become another scourge of his country, he was mourned by

> "Schools of dancing girls, and quacks,
> Beggars, mimes, jesters, and all their tribe." [3]

But that the glory of our duke may not be lessened by being thought due to this man's death, the surrender of Crowmarsh, to the aid of which he and his father had come up in great force and with larger numbers, occurred while he was still alive, in arms, and supported by troops in plenty; he was present, and saw it with his own eyes, and submitted. For our duke, forewarned by the counsel of a certain man, threw his army between the castle which the king had fortified and the king's forces, which were much superior to his own in numbers. And that foreigners may not ascribe this victory to foreign troops, his army was composed principally of our own countrymen. To such extremity was the man who had seized the kingdom reduced by his own faults that he was compelled to disinherit his son, and cede to our duke the succession to the kingship, and to commit the nobles and soldiery of the whole kingdom to a pledge of fidelity.

I pass on to the siege of Chinon, because every one knows that there the English and the Normans, who were now united by many ties of confederacy, stood forth conspicuously as good and valiant soldiers in the capture of the castle. I say nought concerning Nantes and the whole country of lesser Brittany, although it is a great province, which would be in rebellion to this day were it not for fear of the might of the nation of the English. And either through the same fear, or from motives of affection and virtue (for his true motive is uncertain) the famous count of Blois and Chartres restored to the duchy of Normandy the castles which had been lost to it during the time of the duke's minority.

[3] Hor., *Sat.*, I, 2, ll. 1, 2.

It would be a long task were I to attempt to enumerate the famous deeds of so great a prince, which it is as impossible to describe in full as it is necessary for all to marvel at them. Nor will I take upon me with my abilities a task whereat Orosius, Egesippus, and Trogus will find occasion to sweat if his future course shall be long and prosperous according to the measure of the grace which has been bestowed on him in the past. However, the period which marks the end of a man's youth is looked upon by some with suspicion, and may it prove that the fears of the good are groundless![4]

[4] Just before the completion of the Policraticus, Henry II to meet the charges of his expedition against Toulouse, levied upon the clergy imposts of peculiar severity, which were later denounced by John of Salisbury (see his *Epist.* no. cxlv; Round, in *Eng. Hist. Rev.*, vi, 635 ff). This may be what John is here cryptically alluding to.

CHAPTER XIX

OF THE HONOR TO BE SHOWN TO SOLDIERS, AND OF THE MODESTY TO BE ENJOINED UPON THEM; AND OF THOSE WHO HAVE HANDED DOWN THE ART OF WAR, AND OF CERTAIN OF THEIR GENERAL PRECEPTS.

Why do I linger upon the praise of a nation which is admitted by all to be praiseworthy by nature? Blessed Eugenius said it was equal to any task to which it wished to apply itself, and was to be preferred before all others unless its fickleness prevented. But, even as Hannibal said that the Romans could not be conquered except in their own country, so this people, while abroad, is invincible, but in its own home is subdued with too great ease. This the inhabitants of the British lands and of Italy perhaps have in common with other nations. But if they were correctly grounded by instruction and strengthened by practice and discipline, they would go forward with honor, would be regarded as defenders of their country, and would shine in an occupation which at least befits men; for to be occupied with lasciviousness is not without the stigma of vice even in the female sex.

For it is often found in wars that soldiers who are addicted to lasciviousness and splendid apparel avail not so much to bring victory to their fellow-citizens as to incite the foe to hope of booty. Wherefore Hannibal, when during his exile he sojourned with king Antiochus, bantered the king when the latter showed him his army bright with splendid gold and silver trappings, and paraded before him his chariots with their scythe-blades, and his elephants with towers upon their backs, and all

his cavalry gleaming with jewelled bridles, housings and headgear. The king, glorying in the contemplation of so great and ornate an army, turned to Hannibal: "Do you think," he asked, "that all this is good enough for the Romans?" Whereupon the Carthaginian, making sport of the great array of cowardly and unwarlike soldiers and all their costly armor, answered, "I have no doubt of it, although the Romans are a notably covetous people." A saying neat, brief, and sharp; for the king's question was directed to the number of his troops and their comparative ability, but the answer had reference to the booty which they would afford. Finally, if Naso banishes even from the soldiery of his own art youths who are adorned like women, and bids them look for occupation elsewhere,[1] who will suppose that they should be admitted to the robust service of arms? Craftsmen of each particular art bestow their chief care in ornamenting those of their belongings from which they know that they chiefly derive their honor; whence it is obvious that soldiers ought to make a finer appearance as respects their weapons than their clothing.

Eneas is said to have transferred his jewels from his fingers to his sword, Virro to his drinking cups. It is also well known that the Machabeans gilded their shields, by the glint whereof they dispelled the courage of the gentiles; yet it is a story worthy of belief that they were content with ordinary raiment. There is nought which less befits a soldier than too delicate attire and the exquisiteness of too luxurious clothing, unless perchance, spurning Mars, he has like Traso dedicated his service to Venus for the capture of the stronghold of Taïs. On the other hand, slovenliness is equally to be avoided, and the mean, which moves along a golden path, is always to be insisted on. I wish that our countrymen would be persuaded that to train themselves properly is no sign of a want of valor, which so often comes to nought unless discipline is firmly established.

[1] Ov., *Ars Amat.* ii, 233; *Her.* iv, 75.

The art of war is said to have been handed down by the Lacedemonians; wherefore Hannibal, when he was about to march upon Italy, sought a Lacedemonian as an instructor in arms. He who desires peace should prepare for war; he who desires victory should diligently train his soldiers; he who hopes for favorable issues should fight by art and not by chance. No one dares provoke, nay no one even dares offend, one who he knows will prevail if the issue is brought to the test of fighting. The ancient annals tell that the Athenians enjoined upon their soldiers this one thing above all others: that the soldier who was not yet a veteran should habituate himself unceasingly to training and labor. For these two things are wont to keep the soldier healthy in camp, and make him victorious in war. The same authorities have handed down that the strength of an army consists in foot soldiers, and that a man is of little use for service who does not know how to fight unless he is on horseback. But, of course, a man cannot be trained to advantage nor called upon to fight who does not receive his pay regularly. For if you withhold his subsistence, your soldier will refuse you obedience and loyalty. Hunger, as the saying is, fights like an enemy within, and has the power unaided to conquer the things which seem most secure. A hungry mob knows neither fear nor respect; but if they receive subsistence regularly, then they can be spurred on to do their duty at times by fear of punishment and at others by hope of rewards. Training-experts and masters of military exercises should also always be employed and receive their pay regularly, and in a short time you will see the people brought again to that pitch of valor which prevailed among them when Julius Cæsar, the greatest of the emperors,

"Turned his back in terror on the Britons whom he had so boldly sought." [2]

In addition military problems, though feigned ones, should

[2] Lucan, *Phars.* ii, 572.

frequently be mooted in the camp, to the end that the soldier who is trained therein may, when actual need requires, know how to choose the best of a number of possible alternative courses. But if the problem is a real one of sober earnest, the soldiers should be left in ignorance thereof, because the military maxim is: "Discuss with many what ought to be done, but what you intend to do with only a few, and those the ones in whom you can place the most implicit trust; or, best of all, with only yourself." [3] For a thing rarely remains secret which comes to the knowledge of many. Also military precepts and the example of able soldiers should often be brought to the attention of the younger men to the end that by the ones they may be instructed in the science, by the others stimulated and encouraged to emulation and valor. But it is not my purpose here to write a treatise on the art of war, although it is an art of the greatest importance and one which is absolutely necessary, and, without which, to use the words of Plutarch, the power of the prince is lame. If any one wishes to learn this art, let him go to Cato the Censor, let him read Cornelius Celsus, Julius Iginus and Vegetius Renatus, from the last of whom I have borrowed much because he has treated the art of war with great elegance and thoroughness, although stinting examples; let the student, I say, read what such men deemed fit to write for posterity. Nevertheless in all arts advantage requires that precepts should always be accompanied by practice. For as Cicero says,[4] it is very easy to lay down precepts for everything, but it is a task of the utmost difficulty to put them successfully into practice in specific cases. He made this observation with reference to the art of speaking, in the precepts of eloquence which he wrote and addressed to Herennius, saying that the art was quite useless and ineffective without practice and training; but I think the statement may be extended to all the arts, in so far as they are not re-enforced by practice and training; to the extent even, that

[3] Vegetius iii, 26.

[4] *Rhet. ad Herenn.* i, 1, § 1.

if you dissociate the art and the practice, the practice is more useful without the art than the art which is not accompanied by practical mastery. For David with sling and stone, whereof he had the knowledge and practice, overcame Allophilus, and with his staff dared to draw nigh to a man who filled all with terror, and who had been a warrior from his youth up; and he cast aside the king's coat of mail and armor, whereto he was not accustomed, thinking that all things were but a hindrance to a soldier in the use whereof he was not grounded by practice. But as art is sterile without practice, so practice is imperfect which does not proceed in accordance with art. The beginning of all things is therefore in nature, against whose bent and, as the saying is, contrary to our natural genius, we can set about nothing correctly. Improvement comes from practice, perfection from art, provided it is confirmed and established by ceaseless training. It holds true of both the liberal and mechanic arts and of any other arts which may exist but whereof we have not yet heard mention, that art is sterile without use, and use is blundering without art. An army is therefore clumsy and of little avail without art, and without practice is negligent of its duty. Wherefore a man who wishes to be a soldier should first of all learn the art and become firmly grounded therein by training and use, so that when he has been selected and enrolled by oath in the service, he may live usefully to the commonwealth and to himself, and not be, as Plutarch says, a maimed hand. For these are the last words which he uses in the Instruction of Trojan when he descends from the hands to consider the feet. Let us, therefore, follow him, and, as he himself says, make as it were shoes for the feet, to the end that they may not be wounded by stumbling against a stone or other obstacle which so many chances put in their way.

CHAPTER XX

OF THOSE WHO ARE THE FEET OF THE COMMONWEALTH, AND OF THE CARE WHICH SHOULD BE BESTOWED THEREON.

Those are called the feet who discharge the humbler offices, and by whose services the members of the whole commonwealth walk upon solid earth. Among these are to be counted the husbandmen, who always cleave to the soil, busied about their plough-lands or vineyards or pastures or flower-gardens. To these must be added the many species of cloth-making, and the mechanic arts, which work in wood, iron, bronze and the different metals; also the menial occupations, and the manifold forms of getting a livelihood and sustaining life, or increasing household property, all of which, while they do not pertain to the authority of the governing power, are yet in the highest degree useful and profitable to the corporate whole of the commonwealth. All these different occupations are so numerous that the commonwealth in the number of its feet exceeds not only the eight-footed crab but even the centipede, and because of their very multitude they cannot be enumerated; for while they are not infinite by nature, they are yet of so many different varieties that no writer on the subject of offices or duties has ever laid down particular precepts for each special variety. But it applies generally to each and all of them that in their exercise they should not transgress the limits of the law, and should in all things observe constant reference to the public utility. For inferiors owe it to their superiors to provide them with service, just as the superiors in their turn owe it to their inferiors to provide them with all things needful for their pro-

tection and succor. Therefore Plutarch says that that course is to be pursued in all things which is of advantage to the humbler classes, that is to say to the multitude; for small numbers always yield to great. Indeed the reason for the institution of magistrates was to the end that subjects might be protected from wrongs, and that the commonwealth itself might be "shod," so to speak, by means of their services. For it is as it were "unshod" when it is exposed to wrongs,—than which there can be no more disgraceful pass of affairs to those who fill the magistracies. For an afflicted people is a sign and proof of the goutiness, so to speak, of the prince. Then and then only will the health of the commonwealth be sound and flourishing when the higher members shield the lower, and the lower respond faithfully and fully in like measure to the just demands of their superiors, so that each and all are as it were members one of another by a sort of reciprocity, and each regards his own interest as best served by that which he knows to be most advantageous for the others.

CHAPTER XXI

THAT THE COMMONWEALTH SHOULD BE ORDERED TO THE PATTERN OF NATURE, AND THAT ITS ORDERING SHOULD BE BORROWED FROM THE BEES.

In different fashion both Cicero and Plato have written of the commonwealth, the one discussing it as it ought to be, the other as it was instituted and handed down by the men of earlier times. But both laid down the same formula for the existing or projected body politic, namely that its life should imitate nature, which we have so often called the best guide of life. Otherwise it will deserve to be called not only anarchical, but rather bestial and brutal. What Nature's design is, is disclosed even by creatures which are devoid of reason. When Plutarch bids Trajan to borrow the pattern of civil life from the bees, he but follows Maro, most learned of poets, who sings "of the marvellous spectacle of tiny beings. . . ." [1]

* * *

Run through all the authors who have written of the commonwealth, turn over all the histories of commonwealths, and you will find no truer or more appropriate description of life in civil society. And without doubt states would be happy indeed if they prescribed this form of life for themselves.

[1] Here follows a transcript of Vergil's *Fourth Georgic*, lines 153–218, on the political constitution of the bees.

CHAPTER XXII

THAT WITHOUT PRUDENCE AND WATCHFULNESS NO MAGISTRATE CAN REMAIN IN SAFETY AND VIGOR, AND THAT A COMMONWEALTH DOES NOT FLOURISH WHOSE HEAD IS ENFEEBLED.

Venerable communities likewise, if they follow in the footsteps of the bees, will set forth on the journey toward life by the shortest and quickest road. Read in Maro of the foundation of Carthage, and from the comparison you will be led to admire the happy beginnings of that fortunate city. For you will see that all labored together in common, and none idled, and that their queen supplied aid for the structure of the city to rise; and if she did not join with her own hands in the labor of the lower orders, yet with her eyes she superintended the work and gave to it the undivided attention of her mind. For without prudence and constant watchfulness not only will a commonwealth not progress, but even the humblest household will not rest on a secure foundation. Wherefore in praising Ulysses Homer teaches that prudence, which according to the poetic convention he symbolizes under the name of Minerva, was his constant companion. His imitator Maro, wishing to describe a man notable for feats of arms and for piety, and whom he deemed worthy to make the ancestor of the Romans, gave to him Acates as an associate in all his good undertakings, in token that prudent watchfulness is the surest way of advancing our undertakings, and to signify that the affairs of a prudent man often succeed because he is not forestalled by the snares of schemers, but advancing as it were along an invisible path,

and not publishing what he purposes, he thus attains to the goal of his intention. The poetic figure is apt because neither the work of warfare nor of piety can be successfully practised without watchfulness and prudence. It is a trustworthy combination when watchfulness is joined to prudence, because a keen mind is dulled by disuse, and on the other hand watchfulness is of no avail unless its exertions are founded on a rich vein of natural ability:

"Each demands the aid and friendly coöperation of the other."[1]

But however correct the commencement of any work, it will not go forward successfully unless prudence, or Minerva, attends its course throughout. Recall the lines of the Mantuan poet, who under cover of fables expresses all the truths of philosophy. Listen therefore to the diligence of the new citizens:

"As bees in early summer ply their toil
In sunshine amid flowery meadows, training the while
The full-grown offspring of the hive; or store
The liquid honey and distend the comb with nectar sweet;
Or else receive the loads of incomers, or, formed in column,
Drive the drones, an idle throng, forth from the hives;
The work goes hotly forward and the fragrant honey smells strong
of thyme";[2]

in the same way the citizens are held to their different tasks, and so long as the duties of each individual are performed with an eye to the welfare of the whole, so long, that is, as justice is practised, the sweetness of honey pervades the allotted sphere of all.

But the happiness of no body politic will be lasting unless the head is preserved in safety and vigor and looks out for the whole body. If you did not know this, you might learn

[1] Horace, *Ars Poetica*, 410–11. [2] Verg., *Aen.* i, 430–436.

from the example of Dido. For with what careless and irresponsible levity did she admit Aeneas, what favor did she too quickly bestow on an unknown stranger, an exile, a fugitive, of whose plight and motives she was ignorant, and whose person was suspicious! With what curiosity did the ears of the chief men drink in the fabulous tales of a man who was striving to clear himself from blame, who was seeking his own glory and reaching out for something wherewith to captivate the minds of his hearers! And, so, smooth words led to the introduction of the man into the city, seductive flattery won for him the favor of hospitality, the captivated attentiveness of all spread an elaborate banquet, the banquet was followed by marvellous tales and accompanied by the frivolity of a hunt and various other wanton delights. These things brought forth fruit in fornication, in the burning down of the city and the desolation of its citizens, and bequeathed to future generations the seeds of undying enmity. This was the end of the effeminate rule of a woman, which, though it had a beginning and basis in virtue, could not find an issue into subsequent prosperity. It indicates lack of prudence to admit a man who, although the duty of hospitality forbade his exclusion, would none the less have been better allowed to enter as a stranger and not as a ruler.

CHAPTER XXIII

THAT LEVITY OR RASH CARELESSNESS IS TO BE AVOIDED IN SPEAKING AND HEARING; AND THAT PLEASURE ENDS IN REPENTANCE.

"Do all things," it is written, "with counsel, and then thou shalt not repent what thou hast done." [1] Moreover, as it is not seemly for a prince to utter levity, neither does it befit him to give ready ear thereto. For wisdom says, "A prince that gladly heareth lying words hath all his servants wicked." [2] At feasts and story-tellings Venus mingles with all her might, and one who receives her first darts with gladness can scarce escape being grievously wounded by those which follow.

"First sight, then speech, then touch, then kisses, then the deed," [3]

as they follow one another in succession, so of necessity they bring forth issue of pain and woe. For verily pleasure ends in repentance. If you do not believe me, believe at least Demostenes, who is said to have once made a witty reply to Laïs.[4] This Laïs was a woman of Corinth who because of the shapeliness and beauty of her body earned great sums of money; and the rich men of all Greece resorted to her in crowds, nor did she admit any unless he gave what she asked; and she always asked an exceeding great sum. Hence originated that proverb

[1] Eccli. xxxii, 24. [2] Prov. xxix, 12.
[3] Old gloss on Dig. xlviii, 5, 23; cf. Donat., *Comm. ad Ter. Eun.* iv, 2, 12; see Webb, ii, 64.
[4] Gell. i, 8.

which was in frequent use among the Greeks: "It is idle to go to Corinth to visit Laïs unless you are able and willing to pay the price." The famous Demostenes went to her secretly and asked her to put herself at his disposal. But Laïs demanded a sum which in our money would amount to ten thousand denarii, or the equivalent of half a greater talent, which in our money contains twenty thousand denarii. Demostenes, stunned at such impertinence in the woman and at the greatness of her demand, turned away as if in fear and said as he left her, "I do not buy my repentance at so great a price." Do you wish anything more to the point? You know who said that

> "This is a quality of all pleasure:
> It drives its votaries with fierce goads,
> And like bees on the wing
> It flies to where it finds sweet honey,
> And with too tenacious bite
> Pierces the heart at which it strikes." [5]

The beginnings of desire are sweet beyond honey and the honeycomb; but its end is more bitter than any wormwood. For what is the end of idle tale-telling, feasting, and sated lust but the blazing pyre which scatters the burning brands of desolation over all the citizens?

[5] Boeth., *Consol. Phil.* iii, Metr. vii.

CHAPTER XXIV

THAT THE VICES OF RULERS ARE TO BE ENDURED BECAUSE THEY EMBODY THE HOPE OF THE PUBLIC WELL-BEING, AND BECAUSE THEY ARE CHARGED WITH THE DISPOSAL OF THE MEANS OF PUBLIC HEALTH, EVEN AS THE STOMACH IN THE BODY NATURAL DISPENSES NOURISHMENT; AND THIS ON THE AUTHORITY OF THE LORD ADRIAN.

"Go to the ant, thou sluggard," says Salomon, "that thou mayest get prudence." [1] But the philosopher sends the political man to the bees, that from them he may learn his duty: and had the Carthaginians followed his advice, they would by no means have indulged their luxury, and would still be rejoicing in the enduring soundness of their nation. But because vice took root in the rulership of a woman, the citizens became effeminate and bowed their necks to manly valor. But, to continue, even if the ruler is more remiss than he should be in the virtues which pertain to his duty, he is nevertheless to be cherished; and as bees raise their king aloft upon their shoulders, so should subjects, whom we have already called the feet and members, as long as his vices are not absolutely ruinous, show him obedience in every way. For although he labors under the disadvantage of vices, yet he is to be borne with as one in whom stands the hope of safety and well-being for the provincials.

"While the king is safe, all remain of one mind;
When he is lost, the bond of mutual loyalty is broken." [2]

[1] Prov. vi, 6.

[2] Verg., *Georg.* iv, 212–13.

The Illyricans and Tracians, hardened by daily training, struck terror by the glory of their warlike renown into their neighbors the Macedonians. These, after they had been defeated in battle, brought their little king, who was the son of their king who was dead, in a cradle, and set him behind their line of battle, and then renewed the conflict with the greater fierceness, as if the reason for their previous defeat had been that when they fought, they had lacked the leadership of their king; but now would be victorious, because from superstition or from loyalty they had caught the will to conquer. For pity for the infant held them firm, and the thought that if they should be vanquished they would make a captive of their king. And therefore when the battle was joined they routed the Illyricans with great slaughter, thus showing to their foes that in the former war it had been a king and not valor which the Macedonians lacked. Of how great value, therefore, should be a king already mature in years and dignity, if such store is set upon one as yet unripe in either? Even if it is a question of dealing with a rough fierce people, still the authority of rank and the utility of the office should soften the minds of the provincials.

I remember that I once journeyed to Apulia to visit the pontiff, Lord Adrian the Fourth, who had admitted me to his closest friendship, and I sojourned with him at Beneventum for almost three months. We often conversed in the way of friends concerning many things, and he asked me confidentially and earnestly how men felt concerning himself and the Roman Church. I was entirely frank with him, and explained without reserve the abuses which I had heard of in the different provinces. For it was said by many that the Roman Church, which is the mother of all the churches, shows herself to be not so much a mother to the rest as a very stepmother. Scribes and Pharisees sit in her seats, and place on the shoulders of men unbearable burdens which they themselves do not deign to touch with even the tip of their finger. They lord it over the clergy

instead of making their own lives an example to lead the flock to life by the straight and narrow path; they pile up costly furniture, they load their tables with gold and silver, sparing themselves overmuch even out of their own avarice. A poor man is seldom or never admitted to their number, and then rather as a result of his own vainglorious ambition than for the love of Christ. They oppress the churches with extortion, stir up strife, bring the clergy and people into conflict, never take compassion on the sufferings and misery of the afflicted, rejoice in the spoils of churches, and count all gain as godliness. They give judgment not for the truth but for money. For money you can get anything done today, and without waiting; but you will not get it done even tomorrow if you do not pay a price. Too often they commit injury, and imitate the demons in thinking that they are doing good when they merely refrain from doing evil; except a few of them who fulfil the name and duties of a shepherd. Even the Roman pontiff himself is a grievous and almost intolerable burden to all; the complaint is everywhere made that while the churches which were built by the devotion of the fathers are falling into ruin and collapsing, he has built for himself palaces, and walks abroad not merely in purple but in gold. The palaces of priests dazzle the eye, and meanwhile in their hands the Church of Christ is defiled. They rend apart the spoils of the provinces as if they strove to refill the treasuries of Cresus. But the Most High deals justly with them, for they are delivered into the hands of others, and often the vilest of men, to be plundered in their own turn. And while they thus wander in the wilderness, the scourge of God will, I think, never fail to scourge them. Truly the mouth of God has promised that by what judgment they have judged, they shall themselves be judged, and that with their own good measure it shall be meted out to them again. The Ancient of Days cannot lie.

"These are the things, father, which the people are saying," I told him, "since you wish me to bring their opinions to your

knowledge." "And you, yourself," he asked, "what do you think?" "There are difficulties," I answered, "about anything that I might say. I fear that I shall be branded with the reproach of falsehood or flattery if I venture by myself alone to contradict the people; but on the other hand, if I do not, then I fear that I shall be charged with lèse majesté, and, like one who has set his mouth against Heaven, shall seem to deserve a cross. Nevertheless, since Guido Dens, the cardinal presbyter of St. Potentiana, adds his testimony to that of the people, I shall not presume so far as to contradict him. For he asserts that in the Roman Church there inheres a certain root of duplicity and stimulant of avarice which is the source and root of all evils. Nor did he speak this in a corner, but, while all his brethren sat round about and Holy Eugenius was presiding, he made this public charge when at Florence he blazed out gratuitously against my own innocence. But one thing I will boldly affirm with my conscience as my witness, and this is that I have never anywhere seen more honest clerics than in the Roman church, or ones who hold avarice in greater abhorrence. Who can help admiring Bernard of Redon, cardinal deacon of Saints Cosmas and Damian, for his self-restraint and utter scorn of lucre? The man is not born from whom he accepted a gift, but what was offered for a pure and honest reason by the fellowship of his brethren he was sometimes persuaded to accept. Who does not marvel at the bishop of Praeneste, who, fearing the scruple of conscience, abstained even from sharing in the common goods? Of many others so great is the modesty, so great the austerity, that they will be found not inferior to Fabricius, whom they excel in all respects for the added reason that they know the way of salvation. But since you urge and press and command me, and since it is certain that it is not lawful to lie to the Holy Spirit, I admit that what you enjoin must be done, although not all of you are to be imitated in all your works. For whoever dissents from the teaching of you of the Roman

Church is either a heretic or schismatic. But, thanks to the favor of God, there are some who do not imitate the works of all of you. For the contamination of a few sullies the pure with a stain, and brings infamy upon the Church Universal; and in my opinion the reason why they die so fast is to prevent their corrupting the entire Church. But sometimes the good are likewise snatched away, to the end that they may not be infected with wickedness and turned to evil, and because corrupt Rome is found unworthy of them in the sight of God. Do you, therefore, since it is a part of the duty of your office, seek out and bring in to you men who are humble and despisers of vainglory and money. But I fear lest if you go on asking what you wish, you will hear from an imprudent friend things which you do not wish. What is it, father, to criticize the life of others and not probe searchingly into your own? All men applaud you, you are called father and lord of all, and upon your head is poured all the oil of the sinner.[3] If, therefore, you are father, why do you extort gifts and payments from your children? If you are lord why do you not strike terror into your Romans, and repressing their insolence, call them back to the way of loyalty? But you may answer that you wish to preserve the city to the Church by means of the gifts which you receive. Did Silvester originally acquire it by means of gifts? Father, you are wandering in the trackless wilderness and have strayed from the true way. It must be preserved by means of the same gifts by which it was acquired. What you received without a price, see that you bestow without a price. Justice is the queen of the virtues and blushes to be bartered for a price. If she is to be gracious, she must be gratuitous. It is vain to seek to prostitute for a price her who cannot be corrupted; for she is pure and ever incorrupt. While you oppress others, you will yourself be even more grievously oppressed."

[3] Ps. cxl, 5.

The pontiff laughed and congratulated me upon having spoken with such frankness, enjoining me as often as anything unfavorable concerning him came to my ears, to inform him thereof without delay. And, after urging many things in his favor as well as much against himself by way of reply, he finally put before me an apology after this kind: Once upon a time all the members of the body conspired together against the stomach, as against that which by its greediness devoured utterly the labors of all the rest. The eye is never sated with seeing, the ear with hearing, the hands go on laboring, the feet become callous from walking, and the tongue itself alternates advantageously between speech and silence. In fine, all the members provide watchfully for the common advantage of all; and in the midst of such care and toil on the part of all, only the stomach is idle, yet it alone devours and consumes all the fruits of their manifold labors. What remains to be said? They swore to abstain from work and to starve that idle public enemy. Thus passed one day; that which followed was more irksome. The third was so fatal that almost all commenced to be faint. Then, under the pressure of necessity, the brothers again gathered together to take action concerning their own welfare and the state of the public enemy. When all were present, the eyes were found to be dim, the foot failed to sustain the weight of the body, the arms were numb, and the tongue itself, cleaving to the feeble palate, did not make bold to state the common cause. Accordingly all took refuge in the counsel of the heart and after deliberation there, it became plain that these ills were all due to that which had before been denounced as the public enemy. Because the tribute which they paid it was cut off, like a public rationer it withdrew the sustenance of all. And since no one can perform military service without wages, when the wages are no longer forthcoming the soldier becomes faint and weak. Nor could the blame be cast back upon the rationer, since what he had not received he could not pay out

to others. Far more beneficial would it be that he should be supplied with somewhat to distribute than that through his starvation all the other members should go hungry. And so it was done; persuaded by reason, they filled the stomach, the members were revived, and the peace of all was restored. And so the stomach was acquitted, which, although it is voracious and greedy of that which does not belong to it, yet seeks not for itself but for the others, who cannot be nourished if it is empty. "And so it is, brother," he said, "if you will but observe closely, in the body of the commonwealth, wherein, though the magistrates are most grasping, yet they accumulate not so much for themselves as for others. For if they are starved, there is nought to be distributed among the members. For the stomach in the body and the prince in the commonwealth perform the same office, according to the well-known passage of Quintus Serenus:

> 'Those who contend that the stomach is king of the whole body,
> Seem to have truth and reason with them in their claim;
> For upon its soundness depends the strength of all the members
> And, contrariwise, all are enfeebled if it be sick;
> Nay rather, if care is not taken, it is said to harm
> The brain and pervert the senses from their soundness.'[4]

Do not therefore seek to measure our oppressiveness or that of temporal princes, but attend rather to the common utility of all."

[4] Q. Serenus, *Lib. Medecin.*, ll. 300–305.

CHAPTER XXV

OF THE COHESION AND MUTUAL DEPENDENCE OF THE HEAD AND MEMBERS OF THE COMMONWEALTH; AND THAT THE PRINCE IS AS IT WERE THE LIKENESS OF DEITY; AND OF THE CRIME OF LÈSE MAJESTÉ, AND OF THE OBLIGATIONS OF FEALTY.

For myself, I am satisfied and persuaded that loyal shoulders should uphold the power of the ruler; and not only do I submit to his power patiently, but with pleasure, so long as it is exercised in subjection to God and follows His ordinances. But on the other hand if it resists and opposes the divine commandments, and wishes to make me share in its war against God; then with unrestrained voice I answer back that God must be preferred before any man on earth. Therefore inferiors should cleave and cohere to their superiors, and all the limbs should be in subjection to the head; but always and only on condition that religion is kept inviolate. We read that Socrates framed a polity for a commonwealth and laid down precepts therefor which are said to flow from the purity of wisdom as from a natural fountain. And this one thing he emphasized above all else, that the more humble elements of the commonwealth should receive proportionately greater care and attention from those in higher station as part of their public duty. Read diligently again the "Instruction of Trajan," of which mention has been made above, and you will find these things discussed there at large.

Let it suffice at present to have said so much concerning the unity of head and members, adding only what we have already

premised, namely that an injury to the head, as we have said above, is brought home to all the members, and that a wound unjustly inflicted on any member tends to the injury of the head. Furthermore whatsoever is attempted foully and with malice against the head, or corporate community, of the members, is a crime of the greatest gravity and nearest to sacrilege; for as the latter is an attempt against God, so the former is an attack upon the prince, who is admitted to be as it were the likeness of deity upon earth. And therefore it is called the crime of lèse majesté, for the reason that it is aimed against the likeness of Him who alone, as the famous Count Robert of Leicester, a man who modestly discharged the office of proconsul in the British lands, was wont to say, wears the truth of true and native majesty,—to wit if any one undertakes aught against the security of the prince or of the people, either directly or through another. In the punishment of such a man, all are treated as of equal rank and in like case; and generally it comes to pass that such men, with whom none have any commerce in life, are not even released by the kindness of death; but if they are convicted, then after death their memory is condemned and their goods are forfeited by their heirs. For where the wickedness of an offender lies as here in having taken most wicked counsel, for such an offence he is punished as it were in mind. And when once a man has committed such a crime, it is settled that he can neither legally alienate nor manumit, nor can his debtor lawfully discharge his debt to him.[1] Because of the greatness of this crime, even infamous persons who in other cases do not have the right of bringing accusations are here permitted to do so without any impediment, as well as soldiers, who may not maintain other actions. For those who are on guard to defend the peace are all the more properly admitted to bring this charge. Also slaves may lawfully inform against their masters

[1] Justin., Cod., ix, 8, 4–6.

and freedmen against their patrons. Nevertheless this accusation is not to be dealt with by judges as an opportunity for displaying their subservience to the prince's majesty, but solely on the basis of the truth. The person of the accused must be looked to, as to whether he could have done the act, and whether he actually did it, or whether he devised it, and whether, before he presumed so far, he was of sane mind. Nor ought a mere slip of the tongue to be drawn readily on to punishment; for although the foolhardy are deserving of punishment, still even such men should be spared if their offence is not one which flows directly from the letter of the law or which must be punished in accordance with the analogy of the law.[2] Women also are heard on a question of lèse majesté; for the conspiracy of Sergius Cathelina was disclosed by a woman, a certain Julia, who supplied Marcus Tully with information in proceeding against him.[3] Also, if necessity or utility recommends, torture is to be applied to those who are thought to be guilty of this crime, as well as to those by whose counsel and instigation they appear to have undertaken the alleged criminal act, so that the prescribed penalty may be brought home to all who were concerned or had knowledge therein.[4]

The acts are many which constitute the crime of lèse majesté, as for example if one conceives the death of the prince or magistrates, or has borne arms against his country, or, forsaking his prince, has deserted in a public war, or has incited or solicited the people to rebel against the commonwealth; or if by the act or criminal intent of any, the enemies of the people and commonwealth are aided with supplies, armor, weapons, money, or any thing else whatsoever, or if, from being friends, they are turned into enemies of the commonwealth; or if by the criminal intent or act of any, it comes to pass that pledges or money are given against the commonwealth, or the people of a foreign country are

[2] Dig. xviii, 4, 7. [3] Dig. xlviii, 4, 8. [4] Justin., Cod., ix, 8, 4–6.

perverted from their obedience to the commonwealth; likewise he commits the crime who effects the escape of one who after confessing his guilt in court has on this account been thrown into chains; and many other acts of this nature, which it would be too long or impossible to enumerate.[5]

But because the formula of fidelity or fealty ought herein above all else to be kept, there is language in the oath from which we can most conveniently learn a few of the acts which are not permitted. For a thing which is the opposite of something that is necessary is impossible, and by the same process of reasoning a thing which ought to be done is contradicted only by something that is not permitted. The formula of fealty, then, exacts the things which are inserted therein as being the necessary elements of loyalty, and expresses the latter by the words "sound," "safe," "honorable," "advantageous," "easy," "possible."[6] If therefore, we are bound by fealty to anyone, we must not harm his soundness of body, or take from him the military resources upon which his safety depends, or presume to commit any act whereby his honor or advantage is diminished; neither is it lawful that that which is easy for him should be made difficult, or that which is possible impossible. Besides, one who holds a benefice from him whose liege man he is, owes to him aid and counsel in his undertakings; from which fact it is clearer than the sun how much is owed to the God of all, if so much is owed even to those to whom we are bound only by fealty.

As to the punishment of this crime, it is so severe that I cannot easily suppose that anything more severe could be devised

[5] Dig. xlviii, 4, 1–4.

[6] These six words are used to describe the elements of feudal obligation in the oldest extant document which informs us of the nature of such obligation,—a letter of Fulbert of Chartres to the Duke of Aquitaine, belonging to the first part of the eleventh century. The letter is translated in J. H. Robinson, "Readings in European History," vol. i, p. 184. See Luchaire, "Manuel des Institutions," p. 185.

even by those lords of the isles who too frequently put on the tyrant. And lest the severity of the penalty be thought to have had its origin in the cruelty of tyrants, I will set forth in part the language of the dispassionate law itself. It says: "Whoever with soldiers or private men or barbarians has entered into any wicked conspiracy, or has taken or given any guilty oath, or has conceived the death (for the laws desire that the will to commit a crime shall be punished with the same severity as the completed act) of the illustrious men who participate in our counsels or cabinet, or of any of the senators (for they too are a part of our body), or finally of any who are in our service as soldiers, let such a man be put to the sword, as guilty of a crime against our majesty and let all his goods be forfeited to our fisc. And let his sons, whose life we spare by the special grace of our imperial clemency,—for rightly they should perish by the same punishment as their fathers, to the end that fear may be inspired by the warning example of a crime which is hereditary,—let his sons be held excluded from the inheritance and succession of their mother and grandfather and of all their other relatives as well, and let them be permitted to take nothing by will from strangers. Let them forever be propertyless and paupers, and let their father's infamy attend them always. Let them never attain to any honors nor be permitted to take any oath. Finally let them be forever in such poverty and squalor that death will be a comfort to them and life a torture. And we command also that whoever shall be so rash as to intercede with us in their favor shall be infamous and without pardon. As to the daughters of such criminals, however numerous they may be, our will is that they shall receive only the Falcidian proportion of the goods of their mother, whether she dies testate or intestate, to the end that they may rather have the moderate means of a young girl than the full portion and rights of an heir. For with regard to them greater mildness ought to be shown than to the sons, since we trust that because of the weak-

ness of their sex they will be less audacious. And as to the wives of the aforesaid, let them recover their dower, and then, if they are in the position that what they have received from their husbands by title of gift must revert to their children at the termination of their own life-estate, let them know that they must leave to our fisc all the property which was thus lawfully owing to their children; and from it let only the Falcidian proportion be assigned to the daughters, but nothing at all to the sons. We decree that the provisions concerning the aforesaid and their children shall also apply to all their accomplices, abettors, and servants, and to the children of all the latter with like severity. With reason, however, if any of these at the outset and commencement of a conspiracy is inspired by the desire of true praise to give information of the same, he shall receive from us reward and honor. But one who has actually participated in a conspiracy, and then while its secret counsels are still undisclosed reveals them, shall be considered as meriting only pardon and indulgence." [7]

[7] Justin., Cod., ix, 8, 5.

CHAPTER XXVI

THAT FAULTS ARE TO BE EITHER TOLERATED OR REMOVED, AND THAT THEY ARE TO BE DISTINGUISHED FROM FLAGRANT OUTRAGES: AND CERTAIN GENERAL OBSERVATIONS CONCERNING THE OFFICE OF A PRINCE: AND A BRIEF EPILOGUE AS TO HOW GREAT IS THE REVERENCE TO BE SHOWN TO HIM.

I have been at pains to insert in the present work these few things culled out of many from the pure vein of the law to the end that even men who are ignorant of the law may from the sight of such provisions withhold themselves at a greater distance from the crime of lèse majesté, and that no one may accuse me falsely of having presumed in aught against the authority of the prince. It is a common saying that it is not easy to remove the pith from the cork-tree without hurting the nails; but much more just and speedy is the hurt of him who seeks to sever the obedience of the members from the head! May the excellence of the head ever flourish because therein consists the safety of the whole body.

Varro, in the satire which is called Menipean and which is written concerning the duties of matrimony, says:[1] "The fault of a wife must be either tolerated or removed. He who removes her fault makes a pleasanter spouse; he who tolerates it, makes himself a better man." In the same way princes should tolerate or remove the faults of their subjects; for the bond which unites them is equal to or closer than conjugal affection. The words of Varro, "tolerate" and "remove," are well chosen. For he

[1] Gellius i, 17, 4.

seems to have used the word "remove" in the sense of "to correct." It is clear that his opinion was that what cannot be removed should be tolerated. His faithful interpreter adds that "fault" is to be understood as meaning that which can honorably be tolerated and without hurt to religion. For "faults" are less grave than flagrant outrages; and there are some things which it is not permissible to tolerate or which cannot be tolerated with good conscience. By reason of fornication spouse properly separates from spouse, and he generally makes himself a protector of immorality who conceals the crime of his wife. Hence perhaps the saying: "A man who retains an adulterous wife is both foolish and wicked." [2] These things are true of both bodily and spiritual adultery, so far as the two are comparable, although the spiritual is the worse and the more zealously to be avoided.

Similarly in the union of the members, the rule of Varro about tolerating or removing faults is to be admitted as holding good. For no one doubts that the members ought to be healed, whether the cure proceeds with the lenitive of oil or with the sharp remedy of wine which the Samaritan poured into the wound. Furthermore that they should be removed is clear from the fact that it is written, "If thine eye or thy foot offend, pluck it out and cast it from thee." [3] This precept I think should be followed by the prince in the case of all the members, so that not only should they be plucked out, cut off, and cast away if they become an offence to the faith or to the public safety, but should be utterly consumed and destroyed to the end that by the extermination of one, the soundness of all may be procured. For what, I ask, ought a man to spare when he is instructed to do violence even to his own eyes? Surely neither ear, nor tongue, nor any other thing which exists in the body of the commonwealth is immune if it rises up against the soul for whose sake even the

[2] Grat., *Decret.*, I., xxxii, q. 1, c. 1, ed. Friedberg, i., p. 1115.
[3] Matt. xviii, 9.

eyes themselves are plucked out. But when abuse and wickedness are directed against God Himself, or the Church is trampled under foot, then the safety of the entire soul is in peril. And this is so foreign to the duty of a prince that, as often as such things come to pass in a commonwealth, the prince must be thought either not to perceive them, or else to be asleep, or in an inn upon a distant journey.

The sun rises high over all things that he may oversee all and judge all; I believe the prince to be another sun. Truly he does rightly when he

"drives the drones, an idle swarm, forth from the hive," [4]

for they rob the hive and drink up the sweetness or carry it away. He does rightly when he raises aloft the roof-tree of the Church, when he extends abroad the worship of religion, when he abases the proud and exalts the humble, when he is generous to the needy, more sparing toward the wealthy, when he metes out reward to virtue and punishment to vice with a just and equal balance, when justice walks ever before him, and sets his steps in the way of prudence and the other virtues.

"Lo, this is the path to the skies; not by piling Ossa on Olippus,
Or causing the summit of Pelion to touch the topmost stars." [5]

Wisdom says; "Appear not in glory before the king and stand not in the place of the great"; and this utterance of the wise man has reference to the fact that whoever does not humble himself before the face of the prince, covering his merits with confusion, deserves to be despoiled of the glory which he has usurped; since the prince is the dispenser of honor, and so long as he rightly administers his princely power, in his hands is the perpetual distribution of rewards. He rightly admin-

[4] Verg., *Georg.* iv, 168; *Aen.* i, 435. [5] Ov., *Fast* i, 307–8.

isters his power when under his rule the people are made glad and the breadth of the whole land rejoices in the reign of equity. Perpetual, I say, because it is written that "the king that judgeth the poor in truth, his throne shall be established forever." [6] Who then would withdraw honor from him who he learns is honored by God with eternal reward? Even to presume aught against the inanimate statue of the prince at any time whatever is to commit the crime of lèse majesté and merits punishment, as the ancients thought, by the most cruel death.[7] Who then can with presumptuous malice offend against the likeness of God, which is the prince, and still go unpunished? Most full of good counsel is therefore that saying of the wise man: "In thy thought do not disparage the king, and in the secrecy of thy chamber speak not evil of the rich man, for the birds of the air will carry thy voice and he that hath wings will publish thy opinion." [8] Will aught then be permitted in deed or word when even thought itself and the secrecy of the chamber and the opinion of the heart is debarred from attempting or conceiving aught against the prince?

[6] Prov. xxix, 14. [7] Dig. xviii, 4, 6. [8] Eccles. x, 20.

CHAPTER XXVII

THAT THE TRIBE OF GNATO RUIN ALL THINGS, NOR SUFFER THE TRUTH TO BE SPOKEN: AND THAT THEIR SKINS SHOULD BE STRIPPED FROM THEM AS WAS DONE TO MARSIAS, IF RICH MEN WOULD BE WISE: AND THAT GOD HIMSELF PUNISHES THE PERSECUTORS OF THE POOR.

However, if we credit Gnato,[1] whoever does not smile upon the rich even when they do evil, and does not applaud their worst acts, must be thought either to envy their good fortune or else to be wanting in deference to their office; for in the eyes of the tribe of Gnato the uttering of the truth is the crime of lèse majesté. Howsoever, begging leave, I insert one plea on behalf of the members and pray the head to give ear thereto: nor is it I who do this, but the Spirit of Wisdom, the Spirit of Truth, the Holy Spirit; and this plea, namely that "He that closeth his ear to the cry of the poor, shall himself cry out and shall not be heard."[2] He shall not be heard by his own head, for his head is Christ, and God is in Christ, and God is Christ, who delivereth the poor man from the mighty, and shattereth all the proud kingdoms of the world; who is a stone chipped off from the mountain without hands, snatching the helpless from the hand of them that are stronger than he, and the poor man and the needy man from them that tear his limbs asunder. If, therefore, any man, whosoever he is, rises up against those whose protector, nay rather whose father, is Christ, there is no doubt that such a man provokes against himself the stone at

[1] The parasite in the *"Eunuch"* of Terence. [2] Prov. xxi, 13.

whose fall was shattered the statue which Nabugodonosor saw, and which symbolized the succession of kingdoms of differing degrees of splendor and strength. Nor does it avail while torturing the poor to multiply votive offerings and, as if God could be corrupted by bribes, to tempt Him by alms rather bartered than truly issuing from repentance, since Wisdom bears witness that it is ruin to a man to devour the saints and afterwards to traffic in offerings;[3] and in another passage, "The offerings of the ungodly are an abomination to the Lord, because they are offered out of wickedness";[4] and again "He that offereth a sacrifice from the plunder of the poor is as one that offereth up a child as a sacrifice to its own father."[5] Nor let me be held to account if the blood of their brothers is required at their hands, or if they reap the rewards of their works in the same measure which they themselves have applied; since not I but the Most High speaks and does all these things. For my own part I think that service and obedience should be rendered in all humility and reverence not only to the good and the gentle, but also to the froward,[6] and that God should be venerated in the worship of the power which is ordained by Him. Wherefore the Hebrews are enjoined to pray for the Babylonians, because in the peace of princes is the repose of peoples; and Christ himself commanded that the faithful should pay tribute unto Cæsar. But all things are turned to destruction by Gnato, in whose judgment to declare the truth is nothing less than the crime of lèse majesté; so that he is plainly worthy to have his hide stripped from him by a nursling of Apollo, that is to say a votary of wisdom, as was done to Marsias, who strove

"To excel Phebus in song,"[7]

and when vanquished was despoiled of nature's raiment. For he is the model and pattern of the tribe of flatterers, who play

[3] Prov. xx, 25, misquoted. [4] Prov. xxi, 27.
[5] Eccli. xxxiv, 24. [6] I Petr. ii, 18. [7] Verg., *Ecl.* v, 9.

the part of the unhappy satyr by striving not so much to excel as to blind their divinities—I mean men with fortunes—by empty praises like unto wind-instruments. For in wickedness they ever display the vigor of youth, never becoming mature and grave in sense, but remaining fickle, wanton, talkative, and shaken by every breath more quickly than a reed.

CHAPTER XXVIII

ON THE AUTHORITY OF THE SOCRATICS AS TO WHEN A MAN IS COMMENDED DESERVEDLY, AND WHEN PRAISE IS COUNTERFEIT.

And though these pipers of vanity always persist in the tripping up of others, they seldom or never are caught praising a man for that which is truly his own. For a man is most greatly and genuinely commended when the tongue of homage addresses itself to the praise of his wisdom. For all things else are borrowed; but it belongs to the man himself that he is wise. Belongs to him, I say, not in the sense that it is brought about by his own effort, but that it proceedeth from One from whom cometh as a gift whatever is meritorious and praiseworthy in man. And this is not my own language, but a saying which the company of all wise men has united to render famous, and which may easily be found in the book entitled "Of the God of Socrates"; the words whereof, because of the appropriateness of their sense and the aptness and beauty of the phrasing, I have been at pains to insert below to the end that confidence may the more readily be placed in what is here written because it is admitted to have flowed from the purest fountain of all antiquity. It is Apuleius, then, who says: "I marvel at nought so much as that while all desire to lead the best life, and while they know that life is lived not otherwise than with the mind, and that it is impossible to live the best life except by cultivating the mind, still the fact is that men do not cultivate their minds. If you wish to see distinctly, you must care for the

eyes, wherewith men see; if you wish to run swiftly, you must care for the feet, whereon our running depends; likewise if you would be a mighty boxer, the arms must be made strong and supple, wherewith men box; and similarly in the case of all the other parts of the body, one or another must be cared for in accordance with our special desire to use it. Since it is easy for all to perceive this, I never cease pondering nor can I marvel sufficiently, why, as the fact is, men do not likewise cultivate their minds in the use of reason. And this reason, which is needful to all alike for their living, is not the reason which we mean when we speak of the rationale of painting or of playing upon a stringed instrument, which any good man is at liberty to despise without blameworthiness of mind, without shame, without trouble. I do not, like the Sibimeniae, know how to play on the flute, but I am not ashamed that I am not a flute-player. I do not know, like Appelles, how to paint in colors, but I am not ashamed not to be a limner. And so in the case of the other arts, if I were to run through them all, you are at liberty without reproach to be ignorant of them. But say if you dare, 'I do not know how to live well, as Socrates, Plato, Pitagoras lived, nor am I ashamed not to know how to live well,'—this you will never dare to say. But the thing which is chiefly to be marvelled at is that what they least of all wish to be ignorant of, they yet neglect to learn, and thus at the same time they decline to have either knowledge or ignorance of one and the same art. Therefore you may cast up their daily expenses and you will find in their accounts many prodigious sums laid out and yet nothing upon themselves, nothing for the cultivation of what I may call their 'demon,' which cult is the essence of the solemn oath of the philosopher. They build sumptuous villas, and adorn their houses richly, and recruit enormous retinues. In all this, in the midst of such affluence of material things, there is nothing to cause shame unless it be the master himself. Nor is it to libel them to say that they have possessions to which

they attend with sedulous care while they themselves go about mean, untaught, and uncultivated. You may look upon all the outward forms of things in which they have poured out their patrimony, and all is most delightful, most complete, most ornate, —you will see villas rivalling cities, dwelling-houses decorated like temples, multitudinous retinues of slaves crimped and curled, sumptuous furnishings, all things affluent, all things opulent, all things adorned; all save only the master himself, who is a very Tantalus in the midst of his riches, indigent, needy, poor, not able to catch the current of what flows past him, but thirsting and hungering for the illusive water which ever escapes him and which is the water of true blessedness, that is to say of a happy life and of the wisdom which leads to good fortune. For he does not know that riches are rightly to be regarded in the same way that we bargain for horses. For in buying horses we do not consider the head ornaments, or the trimmings of the girth, or look at the richness of the embellishments of the neck to see whether the collar is of gold or silver or set with various gems of great price, whether the head and neck ornaments are wrought with the perfection of art, whether the bridle is covered, whether the trappings are dyed, whether particular parts are gilded; but putting away and disregarding all these superfluities, we look at the naked horse itself, its body and disposition, and whether it is an honest horse to look upon, swift of pace and strong to carry burdens; to see first of all as to its body whether

'The head is slender and graceful, the belly short, the back stout,
And whether the proud chest swells with honest muscles'; [1]

and then whether the spine divides at the loins, for I want not merely a fast horse but one which is easy and comfortable to ride. And in exactly the same way in judging men, do not value what is extraneous, but look deeply into the man himself;

[1] Verg., *Georg.* iii, 80–81.

expect him, like my beloved Socrates, to be poor. For I call extraneous or borrowed all that he has received from his parents and all that fortune has bestowed on him, and of such things I admit none to a share in my praise of Socrates; I exclude nobility, good ancestry, a long family tree, and enviable wealth. For all these, I say, are borrowed plumes. It is glory enough for Prothaonius that he was a man of whom his grandson need not be ashamed. Therefore all such things you may count as borrowed. Is he of noble birth? Give the praise to his parents. Is he rich? I do not put my trust in fortune,—I rather discount such accidents. Is he strong? He may lose his strength by sickness. Is he quick and active? He will grow old. Is he handsome? Wait a while and he will no longer be so. But say that he is well-taught in excellent arts and highly accomplished, and so far as a man may be, wise and of good counsel. Now at last you are praising the man himself. For this is neither something which he has inherited from his father nor which is at the mercy of fortune, nor a mere prize of favor that lasts for a year, nor a thing that will fail with the body or alter with age. All these my beloved Socrates had and therefore scorned to have the rest. Apply yourself therefore to the study of wisdom, or at least do not make haste to hear yourself praised for what does not belong to you; but let him who would ennoble you praise you as Actius praises Ulysses in his Philoctethas, at the very commencement of that tragedy:

'Famous man, endowed with a poor fatherland,
Renowned in name and mighty because of your glorious heart,
Helper of the fleets of the Achaians,
Stern avenger of the Dardanian nations,
Son of Lahertes.'

He mentions his father last of all. As for the rest, all that you hear is praise of the man himself. From it Lahertes and Anticlia and Arcisius (or Acrisius) take nothing. The whole of

this praise, as you see, is the personal possession of Ulysses himself. Nor otherwise is the teaching of Homer concerning this same Ulysses, whom he makes always to have prudence for his companion, which, according to the poetic formula, he names Minerva. With such companionship he safely underwent all manner of terrors, overcame all obstacles. With her assistance he entered the cave of the Cyclops and came forth again; beheld the oxen of the Sun but abstained from them; descended to the underworld but reascended; with the companionship of the same wisdom he navigated safely past Scilla and was not swept away, was surrounded by Caribdis and not engulfed, drank the cup of Circe and was not transformed, visited the Lotus Eaters and did not remain, heard the Sirens and did not approach them." [2]

[2] Apuleius, *de Deo Socr.*, cc. 21–24.

CHAPTER XXIX

THAT THE PEOPLE IS SHAPED TO THE MEASURE OF THE PRINCE'S DESERTS, AND THAT THE PRINCE'S GOVERNMENT IS SHAPED TO THE MEASURE OF THE PEOPLE'S DESERTS; AND THAT WHEN GOD IS WELL PLEASED EVERY CREATURE IS TAMED AND SERVES MAN.

So Apuleius expressed the thought, aptly and finely; and would that his words were heeded! For if every man were to labor in the cultivation of himself, and were to regard things external to himself as no proper concern of his, straightway the condition of each and all would become the best possible, virtue would flourish and reason prevail, and mutual charity would reign everywhere, so that the flesh would be subdued to the spirit and the spirit would serve God with full devotion. And if these things come to pass, the members will not be bowed down beneath the weight of the head, nor will the head languish because of the weakness and cowardice of the members; for such are the results which follow from the infirmity of sin. For the offences of his subjects detract from the merits of the good prince, and the sins of those in high place give to subjects an excuse and example of transgressing. Whence the saying: "The whole head is sick and the whole heart sad; from the sole of the foot unto the crown of the head there is no health therein." [1] Therefore the prince is made merciful by the blamelessness of the people, and the blamelessness of the prince checks popular excesses. For when God is well pleased, every

[1] Isa. i, 5, 6.

creature is gentle and serves mankind, but when God is wrathful, every creature takes up arms to avenge Him. The raven fed Helya; the bear obeyed the command of the prophet; the lion unlearned the fierceness of its nature and spurned the feast set before it that Daniel might be spared; the feet of the just passed dry-shod over the waters; the kindled flames did not prevail over the youths in the fiery furnace; at the prayer of the faithful the air withholds its showers and the earth its fruits, and heaven itself pours forth its fires upon the impious.[2]

[2] Chapter xxx., entitled "A Brief Epilogue against the Followers of Gnato," is omitted.

Here ends the Sixth Book

Selections from

THE SEVENTH BOOK

(CHAPTERS DEALING CHIEFLY WITH AMBITION AND THE WILES OF THE AMBITIOUS)

CHAPTER XVII

OF AMBITION; AND THAT CUPIDITY IS THE COMPANION OF FOLLY: AND OF THE ORIGIN OF TYRANNY: AND OF THE DIVERSE WAYS OF THE AMBITIOUS.

Some there are who strive to avoid, if not the taint, at least the hateful outward stigma of avarice; and these abstain in appearance from touching what belongs to others and are ready to use their own substance generously when need arises. Yet they none the less do not escape a certain current of vice which springs from the fountain of all evils and turns aside the paths of such men from the way of true felicity. . . . This fountain is the well of cupidity; it is defined on the authority of the fathers by saying that cupidity is the love of those things whereof a man can be deprived against his will.[1] Folly is associated with it as its fellow, persuading men to love and seek for that which cannot be retained; and folly is the blameworthy ignorance of those things which it is our duty to know. So the book of the great Augustine on Free Will describes it.[2] For if a man does not know that which it is not possible for him to know, this is not set down to the account of folly; but when he is in bondage to ignorance of himself, then he passes over into the ranks of fools. If he prefers ends which are patently inferior to those which are of greater value, he judges foolishly; if, pursuing the vices, he chooses the worse for the better part, he is condemned to the ill-repute of folly; if his error was caused by cupidity, a many-forked road of

[1] Aug., *De Lib. Arbit.*, i, 5, § 10. [2] *Ibid.* iii, 24, § 71.

destruction yawns before him, since error leads a man not to know the right end to pursue, and while he wanders in the wilderness, the furnace of cupidity burns him with its fires from within. And yet the words of the unjust still prevail, and man, ignorant of the knowledge which belongs to him, and refusing to bear the yoke of the obedience which he owes, aspires to a kind of fictitious liberty, vainly imagining that he can live without fear and do with impunity whatsoever pleases him, and somehow be straightway like unto God; not, however, that he desires to imitate the divine goodness, but rather seeks to incline God to favor his wickedness by granting him immunity from punishment for his evil deeds.

Thus from the root of pride creeps up ambition, to wit the lust of power and glory, so that from hence it draws the strength which prevents it from being trampled down, from hence comes the respect which prevents it from becoming cheap. Now there is none who can help taking joy in liberty, or who does not desire the strength wherewith to preserve it; there is nought which would not be given in exchange therefor if need arose. For slavery is as it were the image of death, and liberty is the assured certainty of life. Therefore it is that wealth is poured out in wooing power; and the more a man lusts after power, the more lavishly he spends for the sake of it. But when such a man does attain to power, he exalts himself into a tyrant, and, spurning equity, does not scruple in the sight of God Himself to oppress and humiliate the equals of his rank and nature. And though it is not given to all men to seize princely or royal power, yet the man who is wholly untainted by tyranny is rare or non-existent. In common speech the tyrant is one who oppresses a whole people by rulership based on force; and yet it is not only over a people as a whole that a man can play the tyrant, but he can do so if he will in even the meanest station. For if not over the whole body of the people, still each man will lord it as far as his power extends. I am not here

speaking of men whose hearts are wholly cleansed and who rejoice in continual subjection, declining to be set over any in this life; my task is rather to analyze the life of men in the political state. And whom will you name me among them who does not desire in point of power to be set ahead of at least one other? Who is there who does not wish to have authority over some one? Who is there who treats those subject to him as he would wish to be treated if he were himself a subject? And so when ambition takes root, equity is trampled under foot and injustice advances apace and, giving rise to tyranny, pursues all the means by which the latter grows. He who does not prevail by his own powers, strives to make use of the power of others. It is plain to the sight how many hunters after power, wooers of honors, cleave to the side of the powerful, meddle in the public concerns of the commonwealth, trying to find some way whereby they can lift themselves aloft on one side or the other, whereby they can become more powerful than others, or at least seem more powerful by reason of those with whom they associate. They pour out their patrimony, they set about and perform immense labors; they do not scruple to press with their services and worry with their flatteries those whom they seek to captivate. And so no office is gratuitous, no duke or judge, no centurion or captain of ten, nay, not even a crier or publican is appointed save for a price.

In the sphere of worldly affairs such a situation might be tolerable so long as the point is not reached where the conduct of the public business is subverted by ambition; for whatsoever duties are of a public nature ought to be consecrated to piety and good faith; but still public offices are peculiarly the objects of ambition, and rarely or never fall to the lot of any one gratuitously. On this head what I have quoted above from the "Instruction of Trajan" should be sufficient. But not without groans and tears do I find myself under the necessity of deploring the calamities of the House of God itself, and that the

secret chamber of Wisdom is thrown open to fornicators and the recesses of the inner sanctuary are converted into a brothel. For the House of Prayer, against the express commandment of God, is made a mart of trade; and the temple founded on the rock of assistance is turned into a den of thieves. Verily the Church is given over to pillage, and some take possession of her openly, others by stealth; it may be that title to her passes to the occupant on the theory that she is nobody's property.[3] Never or seldom is any found to gird sword upon thigh to check the presuming insolence of ambition, which sets up its manifold engines of war to take her by storm while none defends her. For one man trusting in the nobility of his birth or the strength of worldly powers bursts by violence into the sanctuary, and if perchance he deigns to knock at the door, he does not scruple to overturn at the same time the wall or the lintels. He will stir up mutiny against Moyses, and bring alien fire into the temple, and pollute the vessels of the sanctuary. Another, trusting to the multitude of his riches, enters by the way that Simon showed, and finds none within to bid him and his money go to perdition. Another hesitates to approach Peter with gifts; but secretly in a shower of gold, even as Jupiter glided through the tiles into the lap of Danäe, the unchaste suitor descends into the bosom of the Church. Another offers obsequious service as being innocent of corrupt intent, and as though services could not be accounted a bribe; though surely no bribe is greater than when one man gives himself up in slavery to another. There are others again in whose case the appointment precedes the largess by the collusion of the appointing power so that it seems due to the latter's generosity; but after the favor has been received the benfactor will be more fully compensated than Giezi. Another acts as though it were improper for him to knock at the door, and as if he were forced

[3] Justin., Inst. ii, 1, § 7.

to enter against his will, seeking as it were to cloud the sight of God in order to cozen Him and then laugh at Him with impunity. Another long dissimulates, betraying indeed his ambition by many signs and confessing that he desires to become wealthy, powerful, famous, but always in some other way, in some other position, in one of less danger or of greater freedom. It has been his wish to gain high station among laymen or the lesser clergy. This is why he has sought the favor of princes, has entered into intimacy with them, has undertaken for them one service or another. Perchance he has been put in charge of the records, or undertaken the duty of affixing the seal, or the custody of the treasure, or the keys of the public treasury, or the various bonds and other securities and accounts, or, if he can get nothing better, has contrived to be put in charge of the poor-funds; not because he is really concerned about the needy or wishes to provide for the poor, but because he is a thief, and has coffers which his avarice opens at the right time to stuff them sacrilegiously under the pretext of piety, and thus piles up riches for himself at the expense of the neediness, nay even the death, of the poor. For if he were moved by a feeling of true compassion he would rather spend his own substance loyally upon the poor and for their ease than like a corrupt tradesman lay hands upon what is set apart for others.

Today, however, everything is bought openly, unless this is prevented by the modesty of the seller. The unclean fire of avarice threatens even the sacred altars, so that these are bought in advance as being a kind of appurtenance; and thus, because they do not directly come into the market, are thought to be lawfully and justly acquired if they are preempted or bought as part and parcel of something else.[3a] And what of it? Does not the praetor give his approval that those things shall come into the market which by ancient law are pos-

[3a] *i. e.*, of the temporalities of the office.

sessed by laymen in such sense that they pass by descent to the heirs of the possessor and may be alienated by the latter by way of gift or exchange? What then prohibits the right of advowson or the patronage of a church from being disposed of? For the fact that blessed Ambrose declared that such acts amount to heretical simony [4] they wave aside by interpreting it as but a provincial decree, and one which therefore is properly binding only in Italy and among the Lombards. As for the apostolic ordinance which provides that those who seek the right of advowson in order the more easily to slip into the churches which they covet shall not be admitted to the churches whereof they have sought the advowson dishonestly,—that ordinance they treat as a mere warning admonition, and say that it was never intended to be perpetual, and must be dispensed with when time and place require; for blessed Cyril writes in his letter to the synod of Ephesus that a certain freedom of dispensation never displeased any wise man. If you ask where the limits of this dispensing power are to be placed, it seems probable that the strictness of the canons will be relaxed in favor of the rich, the noble, the powerful, or those who hold offices at court. For life and morals are the last things whereof mention will be made; but as for persons of the classes I have described, upon them of course the law of the canons was never imposed. For verily they are children of justice and so guided by the Spirit that necessarily there is no need for them to be under the law.

Let the law therefore ordain whatever pleases the legislator; for these people enjoy the privilege of a prince and think that whatever they improperly covet is lawful for them to obtain. They put bishops under obligation to yield up the first benefices, and do not scruple to bargain for the future succession. The pact then awaits fulfilment by the sad event, and the expectant candidate has thus a motive to steel himself for the slaughter of the incumbent whose succession he covets. For if the latter

[4] Gratian., *Decret.*, II., i, q. 1, c. 7.

delays in making way, they vex and oppose and bring pressure upon him in countless ways; his possession makes him as it were their adversary in an action *in rem*. And if any prelate, mindful of his rank and dignity, does not yield to them as they wish, he must hear bitter tales on that account, because they regard it as an absolute indignity and insult if their shameful and dishonorable petitions ever meet with a repulse. Meanwhile they are wafted forward by the beating of their own wings, they build their nests in every province, scarcely know themselves how many nests they have, prepare for themselves nightly hospices for journeys into every part of the world, and out of so great a number spare scarce one little inn for their shabby comrade; for if anyone does this it is a proof of exemplary generosity. So also it is a mark of notable foresight if a man can accumulate for himself by any means whatever so many altars that he can follow the Memphitic ritual and each day perform his sacrifice upon a new altar. But on the other hand they are not willing to be burdened with priestly duties or to serve the altar themselves, who yet live by the altar, not to go so far as the people do and charge that they fatten by the altar; but to spare themselves this trouble they have introduced the practice of performing their duties by a system of deputies or vicars, whereby one man reaps the emoluments while another bears the burdens of service. And although the Apostle says, "If any man will not work, let him not eat,"[5] it is now so ordered that he who merits least reaps the most, and the man who spends his time in idleness or vice enters into the reward of other men's toil. But who would say that in buying this privilege, since it is a thing not holy but profane, the sin of simony can be committed? For to reach this goal they cross over, as the common saying is, by a bridge of silver, thereby avoiding the sordidness and shame which attach to one who crosses by the bridge of gold.

[5] 2 Thess. iii, 10.

CHAPTER XVIII

THAT THE AMBITIOUS DISSIMULATE THEIR GREAT DESIRE, AND OF THE EXCUSES WHEREWITH THEY VEIL THEIR REAL OBJECTIVE.

But lo, to the end that some such man may be promoted, the Church is either coerced or cozened into saying to the enemy within her house, "Friend, go up higher." [1] They feign naïve amazement, shy off from the mentioned dignity, refuse the burden of the honor, and, that they may be pushed forward the more greedily, even as a battering ram draws back that it may strike the harder, they decline advancement with sighs and groans and sobs interrupting their crocodile tears. For it is well-known that promotion draws the unwilling irresistibly forward, but passes over those who bear the stigma of evident ambition. Therefore they strive to prove by reasons and authorities why they ought not to be made bishops. "I am no healer," one will say, "and in my house there is no bread; [2] I have not at my disposal treasure whence I can bring forth things new and old for the needy in the pinch of their necessity.[3] I can above all rely upon the excuse alleged by the prophet,[4] namely that I have no skill in speaking, and that I am a child, if not in years, yet in knowledge and in the levity of my life. I was clothed from the beginning in filthy garments and I have never sought to wash them white in the blood or garments of the Lamb. How, then, being unclean, shall I handle the things of holiness, or cleanse the things which are defiled

[1] Luke xiv, 10. [2] Isa. iii, 7. [3] Matt. xiii, 52. [4] Jer. i, 6.

as a priest should do? For I have treated the law with continual disrespect, nor have I ever scrupled to pollute the sanctuary of God against the warning of Ezechiel. My promotion therefore would be the downfall of the people. For verily evil priests are the ruin of a people; they are a snare set for the people in their sight, and like unto a net spread for the catching of souls. I am terrified by the mystical parable of Aggeus, which expresses the peril of the priesthood and teaches plainly that the people are more readily infected with vices from the lives of their priests than drawn thereby to the virtues. 'Ask the priests the law,' he says,[5] 'and say unto them, If holy flesh or a holy vessel touch the garment of any, shall that which is touched be made holy by that which touches it?' And when the priests answered that it would not be made holy, he said to them again, 'If uncleanness touches the garment of one that is clean will it pollute him?' And they answered that it would pollute him. Therefore it is better that I, being but one, shall be consumed by my own vices, than that a pestilence of vices shall be spread abroad among many. Besides, even if I were a person altogether worthy, even if I was not entangled in the meshes of the court, Micheas sternly warns me away from the entrance, not enduring that Sion shall be built up with blood and Jerusalem by the iniquity of her princes."[6]

Here is either no election, or one made under duress, or else a mere pretence of one. Prolonging the debate, he lingers on this point. He says finally that he cannot be promoted without being suspected of the sin of simony, since it will be thought that for this purpose he has bought the office of the seal or the treasury or the records, though really it was with quite a different intention that he entered the service of the prince, as is now amply witnessed by his spewing the proferred honor out of his mouth, and as his own conscience testifies; for his only

[5] Haggai ii, 12. [6] Micah iii, 10.

desire in taking office was to obtain honor without too great a burden. Then he will repeat the apostolic ordinances whereby it was long ago provided that all those shall be debarred from sacred orders and from all hope of promotion who buy any secular offices at court, or perform base or servile duties about the persons of princes, or whose election is not by the clergy in the church and canonically performed without a prior nomination by any temporal ruler; the consecration of all who are otherwise elected being prohibited under penalty of anathema by the Universal Church.[7]

One of our own princes (unfortunately I do not happen to recall his name) is remembered as having dealt admirably with a case of this kind. It does not make much difference whether it was Henry or Robert. When a certain ambitious monk was named to an abbacy which he had already bought, and with pretended modesty declined the honor, alleging its heavy burdens and protesting his unworthiness for so high a charge, but only to the end that he might be pressed the more urgently to take it; "Of course," said the prince, "you are clearly unworthy since you have already secretly bought the place of me for such and such a sum of money," and he named the amount. "But since now it is not my fault if the contract is not fulfilled, I consider it as just to regard myself as discharged from any obligation in the matter; go home, then, and let some one who is worthy be placed over the church which you have abandoned."

But today the ambitious self-excuser fares far otherwise, and more successfully; all these arguments and many more he multiplies to the end that he may be thought not to desire that which he covets and at last seem to receive freely that which he has already bought. Whereby he is taken for a man of exceptional modesty, is dragged up to the very throne by shouting crowds and applauding choirs, and is swept along by the press of the multitude. Nor does it avail to have pleaded base

[7] Justin., Cod. x, 31, 34.

birth or blood, since a successor is sought not for an emperor, but for a fisherman; for the carpenter's Son, not for Augustus. His skilful excuses betray his learning, and his piety is proved by his long refusal to accept the proffered promotion; for in appearance he did not desire that which he so long deferred. As for the obstacle of the canons, a ready dispensation on the ground of special circumstances of time and place and person is granted by a greedy multitude of kindred spirits reaching out after honors by the same road. If they cannot strive for what is present or past, they predict for themselves future advancement. Thus the eager horse-trader, "puffing" brazenly a horse or colt of unknown quality, promises that it will be a future pacer, and by his lavish praise palms off the broken beast with its snail's gait into the stable of some unwary merchant.

CHAPTER XIX

OF THOSE WHO PUSH THEMSELVES FORWARD WITHOUT VEILING THEIR IMPUDENCE OR DISSEMBLING THEIR AMBITION AND WHO CAN BE HELD BACK NEITHER BY REASON NOR AUTHORITY.

There are many on the contrary who do not dissemble their objective at all, but, in common parlance, blow their own ambitious trumpets and ridicule such people as I have been speaking of, as coward soldiers who do not dare to acknowledge the colors of their profession. These bolder ones, although they are unclean and neither wish to amend their own lives, nor know how to mould the lives of others, yet rush pell-mell with their filthy feet, so to speak, into the very Holy of Holies, bent, if they are permitted, on handling with hands which are not merely unwashed but foul the shew-bread of the Lord and the flesh of the spotless lamb roasted in the fire of the passion on the cross. These are the men who, though they are thought unworthy even to approach the vestibule and gates, yet press straight into the seats of the priesthood, push into the sanctuary, and, repulsing others, make their beds upon the holy altars, so that the priesthood itself seems to have been instituted not for the purpose of affording a model and example to the people but rather to provide an opportunity for such men to live in plenty and in care-free ease. Nor do they regard the office as accountable to the strict judgment of God, but as a comfortable and irresponsible administrative berth. You might suppose that they had all been summoned by the voice of a herald proclaiming in the words of the poet,

"Let the itch take the hindmost." [1]

Hence they contend with the fierceness of the games in the stadium, each panting to keep the others from a bishopric.

In desire, if not in fact, rulers are far more numerous than the number of the ruled. For those who are willing to be ruled are extremely few, and each seeks with all his might to be exempted from subjection to his own proper ruler. Many enjoy such immunity by apostolic or royal privilege, which protects them from having to obey their proper judges or to do justice, or even from being subject to the law of God. I do not criticize the generosity of the Apostolic See, but I do think that these indulgences which it grants are not to the advantage of the Church of God. We read of nothing of the kind among the glorious family of Christ, although there too there was contention among them as to who was to be in authority. But I do not recall that any such exemption was ever granted by the Apostles, although we hear that Paul and Barnabas parted from one another.[2] In that City on High which is our mother we do not believe that there is any matter of contention, and neither should there be here on earth, unless demanded by the most pressing reason. Concerning these men, therefore, (with all due regard for their number and for those who encourage their iniquity), I shall speak what I think, not abating a jot from truth or probability. I say, then, that I indubitably think that these men, who in their overweening pride seek exemptions of this character, would cast off from their necks the yoke of Christ and His Father if they could; nay even, I say more, they do cast off His yoke so far as in them lies, and falsely contradict the divine ordinances. The saying of the Apostles, "not all men are prophets, not all are magistrates," [3] is brought altogether to nought, for now all are indeed prophets and magistrates, so that according to the old proverb we may

[1] Hor., *A. P.*, 417. [2] Acts xv, 39. [3] Cf. I Cor., xii, 29.

justly count even Saul as among the prophets; and in fact, as Gregory Nazanzenus says, history does not record that ever were so many ministers in the Church or the number of the congregations so paltry; whence there is brought upon the religion and doctrine of Christ the grave scandal that the priestly office and ministry are bestowed rather on ambition and as the reward of favor than by just appraisal of merits.

And so all contend in the race, and when the goal is reached, that one among them receives the prize who emerges swifter than the rest in the race of ambition, and outruns Peter or any other of the disciples of Christ. For he mounts thither so fast as to anticipate the speed of even a hurried summons. These are the men who visit princes with frequent gifts, become suitors to their attendants and favorites, commend themselves to the headmen of the churches, applaud all men, and ask not merely the officials but the very valets of great houses to remember them when they see a "place." These are the friends of all men, who desire not so much to be promoted themselves as that in themselves their friends may be promoted. These are the men who scrutinize the lives of others while they neglect their own, count the years of mitred heads and rejoice in them when they are hoary, consult forecasters and astrologers concerning the destiny of their superiors, have their waters examined, and, as it were, weigh in a balance the elements of men still alive; and when they think that any are living too long for their liking, they say that such are exceeding the age of old Nestor and have already fulfilled the allotted span of the stag or the crow. From the feeble in years or health they wring favors by threats and pressure, they besmirch the honest with false accusations, and like legacy-hunters they lie in ambush by the couches of the sick, and often solicit the unlawful fruits of seats of authority seized by means of a scandalous bargain. These are the men who, to further their own cause and secure promotion, assume dishonorable obligations; and at last when it comes to the point,

forgetful of the faith unfaithful which they have pledged, they block their own path and cause their own defeat through their utter subjection to the motives of ambition and envy.

And thus, while the fury and fierceness of the competition increases, the wisdom of God working by the hidden way of His right ordering of things, frequently leads to the selection of an unknown candidate, a true and trusty soul who has never before been mentioned or thought of for the place. But the others omit no contingency from their calculations; except perchance in so far as they fail to observe the circumstance that they are exceeding the bounds of proper moderation in their canvass, if indeed there can be said to be any exceeding of bounds in that which knows no bounds whatever. They will even smite and hurl down princes if obsequiousness proves of no avail and if solicitations do not further them; then their ambition puts forth all its strength, displays the wealth of its own and its borrowed resources, and speaking out boldly and rising to the very mountain-top of elation, shouts aloud; "All this will I give to thee if thou wilt be untrue to the foundations of thy faith and wilt promote me." For verily this is to fall away from the foundations of the faith, since it is established by the authority of the holy fathers that he falls from the purity of the faith into the heresy of simony who makes avaricious traffic of things spiritual, that is to say of sacred and ecclesiastical concerns. Nor does it make any difference whether the money passes in the deal before or afterwards, since those who make such things a matter of negotiation at any time are involved in the condemnation prescribed for the sin of simony. For there is an absolute and perpetual prohibition against giving or receiving anything on this account, and it is never lawful to give or receive that which is in all cases prohibited. For as Tharasius the patriarch says, "to give" means to give at any time, and "to receive" means to receive at any time.[4]

[4] Grat., *Decret.*, ii, 1, q. 1, c. 21 (ed. Friedberg, i, p. 366).

A case of this kind which happened in Apulia in my own time resulted admirably. When Roger of Sicily was king it chanced that the church of Avella in Campania fell vacant. Robert, the chancellor of the aforesaid king, presided over Apulia and Calabria, a man who was an able executive and extremely shrewd without any great learning, ready of speech beyond most of the provincials, not unequal to any of them in eloquence, feared by all because of his influence with the prince, and respected for the elegance of his life, which was the more remarkable in those regions because among the Lombards, who are known to be the most frugal, not to say miserly, of men, he laid out great sums in sumptuous living and displayed the magnificence characteristic of his nation; for he was of English nationality.[5] There came to him three men, one an abbot, another an archdeacon, the third a layman who was a bailiff of the king, the latter coming to act in behalf of his brother who was a cleric; and each of the three secretly offered a large sum of money for the above-mentioned bishopric. What more is there to tell? Summoning his attendants he agreed on a price with each of them. The bargain and sale was in each case completed, sufficient security given for the payment of the money, pledges and sureties exchanged, and a day appointed for solemnly holding the election in due form. When the day arrived and the archbishops, bishops and many venerable persons had assembled, the aforesaid chancellor set forth the pretensions of the competitors as well as all that had taken place between himself and each of them, and said that he was now ready to proceed in accordance with the opinion of the bishops. They condemned all three simoniac competitors, and a poor monk, ignorant of the whole affair, was canonically elected, con-

[5] It is an interesting sidelight on this passage and on John of Salisbury's acquaintance with this Chancellor Robert of Sicily that the author of the *Policraticus* is reported to have "drunk the chancellor's heavy wines to his undoing," C. H. Haskins in *Eng. Hist. Rev.*, xxvi, 437.

firmed, and installed. The others were compelled to pay the amount to which they had obligated themselves, even to the uttermost farthing. Would that the same course were pursued with our own covetous suitors who make all the seats of honor to stink with a keener and more curious scent than that which so powerfully leads the cunning of dogs to track down the warrens of rabbits or the dens of beasts! If my own opinion were followed, there would be excluded in the same way those who, dissembling their ambition, pretend to draw back to the end that they may the more successfully break into the posts of honor from which, as they themselves confess, they should be thrust forth; for truly it would be but just to credit their own testimony against themselves since no one knows better their secret faults.[6]

. . . . . .

Amid such current practices the studies of philosophic men are held in ridicule; if aught is heard that is new, it is straightway condemned as profane; or if it comes from a person of small consequence, it is scornfully brushed aside. For that it should be brought to the test of reason or authority is altogether too much to expect. If you urge reason or authority in its support, they will cast in your teeth "custom," which they abuse, or which they themselves have made; and one of these magnates says to the other:

"Is this any reason for growing lean? Is this any reason why one should not feast? Your learned doctors would not fetch a bid of thirty cents if they were put up at auction";[7]

and thus they that drink wine aim their music against the sober.

[6] A portion of the chapter is here omitted as relatively unimportant. It lists various vices which unfit candidates for ecclesiastical offices, and the excuses by which they seek to justify themselves.

[7] Pers., *Sat.* iii, 85.

Nor is it only the episcopal dignity to which they lay siege with so much ambition, but today all the highest and lowest offices alike are the objects of the same lust for power and pre-eminence. The man who does not dare aspire to a bishopric will lay siege with the like audacity and with the same cunning wiles to a prefecture, an archdeaconry or some other office. Give him an inch and he will take an ell, gradually pushing his way to the front in the thought that

"Fortune favors the bold," [8]

and that timidity convicts of degeneracy the heart which yields to it.[9]

Of course, no one descends all at once to the depths of dishonor. But if such men find themselves gradually succeeding, they come to believe that there is no point which they may not hope to reach. And so in the end what they seek they obtain, but at the cost, to use the common expression, of incurring the wrath of God.

"Then, too late, in their misery they mourn days spent in darkness,
Sunk in the bog of vice, and the loss of their lives." [10]

Thereupon they conceive a new and belated anxiety, because time thrown away can never be recovered. Accordingly they root out the contents of the shelves at the head of the monks' beds, they pillage the book-presses of men of letters, they ask about for parchments, they read anthologies and books of selections, they search for little treatises, and strive in all ways to seem to know that which they do not know; for not even yet are they concerned to really know, and to become truly proficient in virtue. It is only the outward semblance of virtue which they seek, having always preferred it to virtue itself.

[8] Verg., *Aen.* x, 284. [9] *Ibid.* iv, 13. [10] Pers., *Sat.* v, 60, 61.

In all the world there is nought more pitiable than to shine in borrowed finery; and all admit that a debtor shows himself indigent indeed who can make payment only by incurring a new indebtedness to some one else. In truth they go through the motions of redeeming their lost time in such wise as to convince you that the satirist rightly hits them off with the reproach,

"You are pliant as wet clay, fated to be caught up
and shaped forever by the cruel wheel.
Men will make their sport of despising you as you ooze forth aimlessly.
When struck, the flaw reveals itself in the sound,
The unbaked vase of raw clay rings untrue." [11]

The frankness of the Truth brings this charge like a goad to spur sloth into action, and brings it not merely against prelates of the Church, but against all who have presumed to take upon themselves the office of a teacher before they have fulfilled the part of a learner. For whence shall men bring forth new and old who have always despised new and old alike? Nor can they excuse themselves on the ground of their number, or that they have simply fallen in with the error of others, since the pattern of life is by no means to be taken from the example of those whom we live with, but rather from the Word of God, in the way whereof walk the blessed, who advance by the straight path to the land of true felicity. A thing is not the less a sin because it is the sin of many; it is all the more grave in that it is multiplied. Nor is the fault of the wrongdoer diminished by the multitude of his fellows, but rather aggravated because he opposes his strength to its correction.

To prevent the multitude of the ambitious from prevailing against the justice of God, not merely the divine laws but the laws of man are aimed and armed. The law and the prophets,

[11] Pers., *Sat.* iii, 23–4.

the Gospel and all the regulations of the Fathers call down punishment upon their audacity. Yet still they rise up in their pride against the Lord. "Blush, Sydon, for the sea speaketh";[12] and thou, oh clerk, how dost thou feel when a layman almost ignorant of the law, reproves thy ambition and restrains it? Marvel, oh prophet, when thy ass calls upon its rider to turn back, and confutes thy errors. The brute animal, the astounded man, behold the angel standing in the way with a drawn sword, that is to say with the sword of the spirit which underlies the letter; and dost thou yet blindly, in the midst of so much light from the Scriptures, rush on insanely to destruction? Blush then, marvel, halt and draw back from the curse toward which thou art hurrying under the impulse of avarice; and thou who despisest Moyses and the prophets, hearken at least to the ass whom thou urgest forward with the spur of thy ambition. A miracle is needed; Balaam will not be plucked from destruction unless the ass should speak. Dost thou not blush that thou art thus blinded, thus brought low by unthinking ambition to the point where thou preferest the braying of an ass to the prophetic oracles of God? Perhaps thou art terrified and made to tremble at the voice of the ass, but without feeling true compunction. Yet it is the vehicle of God's word, and a gift from Him who alone kindles the fire of charity in the minds of His elect. From which it is clear that to no avail does one hear the ass if he despises the sound of the word of God. None the less, heed thou even the ass when he urges things which are profitable, since therein also speaks the Spirit for thy instruction. He is more quick than thou to see the angel forbidding thy unlawful steps, and he points him out to thee. The right way to mount to the honors of the Church, and the way which is to be avoided, are taught by the canons. Yet thou dost despise them because thou dost

[12] Is. xxiii, 4.

not see the angel standing in the way of the mandates of God, and holding a sword wherewith to kill thee. Along the same way advances the ass, that is to say a man stupid and slow in comparison with thee, and one who is urged by the spur of thy words and example to make them his law, and he sees the angel, becomes afraid, halts and announces to thee the counsel of God. He speaks in the nick of time; do thou fall down and worship as in the presence of a miracle, and treasure up each word of his and grave it on the tablets of thy heart.

CHAPTER XX

OF THE LAWS OF SECULAR PRINCES WHEREBY COURTIERS AND OFFICIALS ARE EXCLUDED FROM ECCLESIASTICAL HONORS; AND BY WHAT EXAMPLES THE DATHANITES AND ABIRONITES STRIVE TO PREVAIL.

Says the emperor Justinian: "Greatest among all the gifts bestowed by the supreme mercy of God are the priestly power and the power of the emperor, the one ministering in things divine, the other presiding over and displaying its diligence in human affairs; both proceed from one and the same source to improve the life of men. And therefore nothing will be so much an object of desire in the eyes of emperors as the purity of those who exercise the priestly office, since it is especially for them that priests send up continual supplications to God. Accordingly if the priesthood is wholly blameless and enjoys the full confidence of God, and if the imperial power rightly and fittingly administers and improves the commonwealth entrusted to its care, there will result a certain beneficial harmony which will confer on the human race whatsoever is needful and profitable. We therefore cherish the utmost solicitude regarding the true dogmas of God and the purity of the priesthood, believing that if these are preserved we shall by their means receive the greatest gifts of God and shall enjoy securely the things which we already have, and shall acquire the things which have not yet come to pass. All things are administered well and fittingly if the basis thereof is seemly and well-pleasing to God. We believe that this will result if the sacred rules and

observances are kept which have been handed down by the just, the praiseworthy, the venerable Apostles who beheld face to face the Word of God and were His servants, and which the holy fathers have observed and expounded. Therefore, following in all things the sacred regulations, we ordain that for all time hereafter when anyone is presented for episcopal ordination, his life shall first be examined in accordance with the requirements of the holy apostle to determine whether it is honorable, blameless and wholly without reproach, and he must have a reputation among good men befitting a priest, and must not be promoted from the status of an official or *curialis*." [1]

"Let not a man be changed straightway from a layman into a cleric and then after waiting a short time into a bishop; but let him be either one who has lived a celibate life from the beginning, or at least, if he be married, one whose wife came to him in the virgin state, and let him not have children who are illegitimate. Let any one who acts in aught contrary to these provisions be dropped from the priesthood, and the bishop who violates this law by ordaining such a man will be cut off from his office." [2]

"Let no one who is unlearned in the sacred dogmas be raised to the office of bishop; but let him first have either professed the monastic life, or have been a member of the clergy for not less than six months, and let him not cleave unto a wife." [3]

"In addition we will permit no one contrary to the provision of law to receive such ordination while he has a wife." [4]

[1] Justin., Novell. vi, praef, and c. 2. John seems to have misunderstood *"curialis"* and taken it to mean "courtier."

[2] Justin., Novell. vi, c. i, §§ 2 ff. John is here either paraphrasing or using a rather more free version of this Novel than those which have come into accepted usage. In the old Latin gloss or version printed in Osenbrüggen's edition of the Novels, the word *"odibiles"* is coupled with "legi." The meaning is therefore "illegitimate." For clerical opposition to marriages with widows, see H. C. Lea *"History of Sacerdotal Celibacy,"* 3rd ed., i., 27.

[3] *Ibid.* §§ 6, 7.

[4] *Ibid.* § 7.

"For as much as we seek for grace and glory in one who is to be ordained, we will punish the malice of any who brings an accusation against him and fails to sustain it. But if any should say that he knows of any improper act on the part of a candidate for ordination, let him not be deemed worthy to be ordained before there is a hearing of the complaint and he is shown to be wholly innocent. If, after a complaint of this kind has been lodged, the ordaining authority does not permit an examination of the case to be made as required by law, but proceeds to rush the ordination through, let him know that his act will be treated as null and void, and that he who is ordained contrary to law will be dropped from the priesthood, and he who bestows ordination without an examination will likewise lose his priestly office." [5]

To the same effect Leo: "A man attains to the episcopal dignity by the authority of God only if he is promoted by the uncorrupted minds of men, by the unbought designation of election, and by the honest and sincere judgment of all. Let no one corruptly traffic in a priestly office for a price; let the consideration be how deserving a man is, not how much he is able to pay. For truly what place can be secure, and what cause can be kept inviolate if the venerable temples of God can be captured by money? What rampart shall we provide for purity or what wall of protection for good faith, if the accursed thirst for gold creeps into the venerable sanctuaries? In short, what can be safeguarded or free from danger if uncorrupted holiness is itself corrupted? Let the profane flame of avarice cease to menace the altars, and let criminal wickedness be repulsed from the holy entrances. Therefore, in our time let the chaste man and the humble man be chosen bishop, that by the purity of his own life he may purify all places whereto he goes. Let the prelate be ordained as the result not of a price

[5] Justin., Novell. vi, c. i, § 10.

but of prayers, let him be so far removed from having solicited office that when besought to take it he must be forced to do so, when asked he refuses, when invited he flees away and hides himself. Let only the necessity of preserving his own blamelessness prevail upon him. For surely a man is unworthy of priestly office if he was not ordained unwillingly; since obviously whoever is discovered to have succeeded to the holy and venerable seat of a prelate through the medium of money, or whoever is detected in accepting anything as the price of ordaining or electing another, deserves, on the analogy of a public crime, and indeed of lèse majesté, to be proceeded against and degraded from his priestly office. We have therefore decreed not only that he shall be deprived of honor but condemned to perpetual infamy, so that all who are defiled by like crimes and equals in guilt shall be comrades in paying the same penalty." [6]

Likewise Justinian in his constitution "Novella": "Before all else we decree that the rule shall be observed that no one shall be ordained a bishop by means of votes procured by any gift. If such a circumstance is present, let both the givers and receivers and their intermediaries be subjected to condemnation. And for the same reason let the giver and the receiver and the intermediary be removed from the honor of membership in the priesthood or clergy. Let the sum or object which was given for such a purpose be forfeited to the church of whose priestly office it was thereby sought to obtain possession. If the intermediary in such a transaction is a layman and if he received anything for his services, let him restore double the amount to the church." [7]

Again: "It shall not be lawful for any head of a religious house, or any one discharging any other ecclesiastical trust, to give anything to him who has the appointing power or to any other person as the price of conferring the office upon him. Whoever gives or receives anything for such a purpose, or is

[6] Justin., Cod., i, 3, 31. [7] Justin., Novell. cxxiii, c. 2.

the intermediary in such a transaction, shall be deprived of his membership in the clergy and the bribe shall be forfeited to the religious place in question. If the recipient or go-between is a layman, let him pay double the amount received to such religious place." [8]

Again: "We decree that when there shall be need to ordain a bishop, the clergy shall straightway with the Holy Gospels before them make decrees fixing upon three persons, and saying in the decrees themselves that they have chosen these men not by reason of any gift or promise or from considerations of friendship, but because they know that they are men of orthodox faith and honorable life and are learned in letters, and that they have neither wife nor concubine nor children, and are neither *curiales* nor officials." [9]

Again: "We forbid any *curialis* or official to be made a cleric, since from this cause much injury is done to the venerable clergy, except in cases where such a man has completed not less than twenty-five years in the monastic life. Such men we order to be ordained upon condition of retaining for themselves only a fourth part of their property, the remainder being forfeited to the *curia* and the fisc, and provided that those who are thus admitted to the clergy have led a life befitting a monk." [10]

Again: "We decree that bishops, who are well pleasing in the sight of God, may, according to the rules of divine law, ordain religious clerics after careful investigation, and also other

[8] Novell. cxxiii, c. 16.

[9] *Ibid.* c. 1. John is here either paraphrasing, or else using a different Latin version of this Novel from those which have come into accepted usage. Justinian's text goes on to provide that of the three persons thus nominated, "*melior creetur* [episcopus] *electione et judicio ejus quc cos* [*i. e.* episcopos] *creat.*" For the significance of this Novel, and its effect on episcopal elections, see Hinschius, *System des Katholischen Kirchenrechts,* (Berlin 1878), ii, 514–5.

[10] Novell. cxxiii, c. 15.

men of good reputation who know letters and are learned, but there are none whom we more delight to see in holy orders than men living in chastity or not cohabiting with wives." [11]

These are the precepts of secular princes. I cite them because, although the doctors of the Church enlarge upon this subject at length, nevertheless since the standard which they set seems too lofty to maintain in practice, what they say tends accordingly to be held of small account. But he who does not heed even the secular enactments is more blind than Hipseas,[12] and more deaf than the Dulichian oarsman,[13] and deserves to be struck down and hurled into the deepest deep by the angel whom he despises. You have heard how Nadab and Abiu [14] were consumed by their own fire and carried forth from the Tabernacle by the command of the Lord; but these men strive to burst into the temple of the Lord and into the very Holy of Holies against the prohibition of Moyses, that is to say against the prohibition of the law of the Lord. They are followed by a numerous progeny which fills the courtyard of the Lord's House, and kindles an alien fire. They attempt to burn the forbidden incense, and contracting an alliance with the Datanites and Abironites,[15] they rise up against Moyses, dividing the Church, throwing the priestly power into confusion, and stirring up sedition among the people, unless they are permitted to assume the priestly power themselves. For having won for themselves the favor of the secular powers, they assert that all things are opened to them of right, because (as they say) the prince is not subject to the laws, and what pleases the prince has the force of law. Since the people have conferred upon him and concentrated in him all their authority,

[11] Nov. vi, cc. 4, 5.
[12] Hor., *Sat.*, 1, 2, 91.
[13] *i. e.*, Ulysses.
[14] Lev. x, 1 ff.
[15] Num. xvi, 1 ff. The fate of these gentry, "whom the earth swallowed alive," is promised to followers of anti-popes by the first decree of the Third Lateran Council of 1179, of which John of Salisbury was a member (Mansi, xxii, 218).

it is the crime of lèse majesté, and a manifest subversion of government, to oppose him. Indeed it is the same thing as sacrilege to doubt whether one whom the prince has chosen is worthy to be chosen; and a man does not escape the stigma, and indeed it is lucky for him if he escapes the penalty, of his temerity, who for any reason whatsoever undertakes to nullify the will of the prince. They believe that no laws are superior in authority to the civil laws.

Anacarsis Cithica [16] has compared the latter to the webs of the spider, which catch flies and gnats but let birds and larger insects through; in the same manner the civil laws restrain the wills of people of the humbler sort but give way at once to the more powerful. For they do not exact of the latter the lawful penalty of transgression or disobedience, but without even putting them to the question pass them by with studied neglect. Those who support the view that all things are lawful for rulers also search out and bring forward the examples of tyrants to sustain their thesis. Yet for the most part you will find that they were rulers of places where ancient custom prevails, even though contrary to reason or to the law. They recount how one tyrant thrust his servant or crony into this or that church without election, how another by menaces and confiscation compelled the election of some unknown or unworthy clerk, how another sold the Church of God openly, how still another compelled an Archbishop to consecrate a reprobate, how one drove bishops or monks into exile or forced them to remain in banishment after they had been driven out by others, how another burdened the Church and its property with base services, or tortured men of religion with shameful cruelty, or humiliated and persecuted the clergy, or introduced the justice of wild beasts into the provinces, or stamped out the laws and canons from his territories, or imposed silence on the bish-

[16] See Val. Max. vii. 2. ext. 14.

ops so that he might commit all the worst outrages with impunity and without any reproof, or long and obstinately vaunted himself in pride against the Church of Rome, or guided his whole conduct not so much by any law of his own as by a perversion of all law, or in short was wont to identify law with his own good pleasure.

The more fertile a man is in remembering such precedents and the more mischievous in executing iniquity, the more sincere is supposed to be his loyalty and the more effective his industry. But whoever in behalf of the truth of the faith or in defence of the purity of morals says aught concerning the divine law, will be at once branded as either superstitious or envious, or, what is the capital crime, hostile to the prince. If you should say that the fire which through seventy years of the Babylonish captivity had remained alive beneath the water, was at last quenched when Antiochus sold to Jason the office of high priest;[17] or (upon the testimony of blessed Gregory) that pestilences and famines, upheavals of nations, clashes between kingdoms, and countless adversities come upon countries from the fact that ecclesiastical honors are bestowed for a price or by reason of human favor upon undeserving persons; if you should say that Oza was struck down by God because he presumed to put forth his hand upon the ark when it was shaken;[18] if you say that Esias was silent during the reign of Ozia, the leprous king, and after the death of the latter saw God sitting exalted upon the throne;[19] if you say that the weight of the tabernacle rested solely on the shoulders and wagons of the Levites, or any other such things which are found in the law of God, it will be fortunate for you if you are not mutilated and thrust into prison, or banished into exile. A shout of fury will go up against you from all sides, and both the ambitious and their supporters will not scruple to

[17] Grat., *Decret.*, I, i, 1, c. 29 (Friedberg, i, 371).
[18] II Sam. vi, 6, 7.
[19] II Chron. xxvi, 16; Isa. vi, 1.

pass against you the severest sentence of condemnation. But one solace God will provide for you, namely that the conscience of every wise and God-fearing man is in agreement with your words. Thence it follows that by the authority of God these men's judgment upon you will not prevail forever. For if they are to be believed, you will be adjudged a public enemy, as guilty of lèse majesté. It will be said that you are bringing to nought the judgments of the public authority, and while you are exalting ecclesiastical liberty as a zealot for your own profession, you are subverting the wisdom of princes and scheming to make them appear foolish and contemptible. Better would it be by far that the diadem were torn from the head of the prince than that the good order of the chief and best part of the commonwealth, which is the part that is concerned with religion, should be destroyed at his pleasure.

> "It is not necessarily private ends which inspire all in Rome
> Who prepare to go over to Pompey." [20]

And perchance he offends against the wishes of private men too arrogantly who under the pretence of liberty for princes yearns to tyrannize. If any prince succumbs to a superstition of this kind, he is without wisdom and falls short of the manhood of illustrious kings.

David and all Israel, as the Book of Kings relates, played before the Lord on all manner of wood instruments, on harps, on psalteries, on timbrels, on sistra and on cymbals; though he did not lack one to taunt him for this course. For the aforesaid history proceeds: "And Micol, the daughter of Saul, coming out to meet David, said: 'How glorious today was the king of Israel, uncovering himself before the handmaids of his servants; and was naked, as if one of the buffoons should be naked!' And David said to Micol: 'The Lord lives, and there-

[20] Lucan, *Phars.* ii, 564, 565.

fore I shall play before the Lord who chose me above thy father and all his house, and exalted me to be ruler over the people of the Lord in Israel; and I will play and make myself yet meaner than I have done, and I will be little in my own eyes, but as to the hand-maids of whom thou hast spoken, in their eyes shall I appear more glorious.' And to Micol the daughter of Saul no son was born to the day of her death." [21] But "David sat as king of his house, and the Lord gave him rest on every side from all his enemies." [22] Do you see how diligently this story teaches that contempt of religion coupled with the arrogance of pride is punished, while on the other hand the devotion of faith and the practice of humility are rewarded? For David won the repose of a quiet reign, but Micol, in retribution for her wicked taunt, died childless and left no offspring of an illustrious race and a happy marriage. And rightly so, since Micol is interpreted to mean either "all water" or "forth from all." Verily the counsel of the untaught multitude, which follows the popular judgment, enjoys neither the pleasaunce nor the memory of a good fruit. But on the other hand when you listen to the proud counsel of the magnates you will never suspect that Micol died without offspring. For you will think with amazement that all are sons of Micol, and that their souls, if not their bodies, issued from her vine-branch. And that you may the more easily persuade yourself hereof, they that strive to bring to nought the divine authority to the end that they may establish their own, either die without children, or leave children behind them who are degenerate and mean-spirited. Beyond doubt whoever suppresses the liberty of the Church is punished either in his own person or in his offspring. Thus the children lose even what properly is theirs, together with the things which their father's impiety seized for their sake.

[21] II Sam. vi, 20–23. [22] II Sam. vii, 1.

CHAPTER XXI

OF HYPOCRITES WHO SEEK TO HIDE THE STAIN OF AMBITION UNDER A FALSE PRETENCE OF RELIGION.

Though the insolence of the populace or the arbitrary license of rulers can be held in check by the precepts of the law and the divine institutions, yet ambition can never be wholly quelled. For if it does not dare to show itself publicly, yet it gains entrance like a creeping thing, stealthily and by fraud. If it does not force open the gates of the Church by bribes, if they are not unbarred by its own violence or by that of others, it takes refuge in the arts of its own falsehood. It pretends to detest with the whole freedom of the Spirit all things which infringe freedom, all things which violate the statutes and decrees and are contrary to religion. You would think with amazement that Synon[1] had returned to deceive the simple-minded and the credulous. For the man of ambition simulates and dissimulates, and all the while wears the cunning fox under his heart; he seems more emancipated than any Stoic, more austere than Cato. Meanwhile, besides, he is more simple than Paul, the teacher of the gentiles, and more anxious; more fervid than Peter; for him Christ is life and lucre is death; and he glories in nought save the cross of Christ, beneath which his body is ever bowed down to the end that his spirit may attain salvation, yearning only for the moment of dissolution that he may be with Christ. Therefore he mortifies the vices and desires of the flesh, and, although living in the world of men, is

[1] Verg., *Aen.* ii, 57 ff.

not as are other men, but leads the life of an angel and converses with the skies. Men of this kind fast continually, pray ceaselessly and in a loud voice that the stranger may hear them, clothe themselves in coarse and filthy raiment and thunder at the populace. They criticize the clergy, urge the amendment of their morals upon princes and powers, and acquire for themselves a reputation of uprightness by slandering the lives of others. In order that fraud may grow strong under the cloak of honesty, they seek out some society of praiseworthy men, submit to its severe vows, make a display of difficult virtues and strive more intimately to obtain for themselves all possible grace and other more human things. Thus they proclaim themselves followers in the footsteps of Basil, Benedict, Augustine, or if this seems not enough, of the Apostles and Prophets; they put on the garb of Carthusians, Cistercians, Cluniacs, and those that assume the dignity of Canons glory in tunics of wool and the skins of lambs. Thus they come in sheep's clothing, but within they are ravening wolves; but, as the Lord saith, they shall be revealed most plainly by their fruits. Not by the duplicity of such men is the glory of true religion diminished. For it is clear to all without any doubt that the names which they profess, and whose duties they promise to perform, are names of the highest honor and purest faith. The sincerity of their piety stands so clearly proved that it fears the darts of no reproach; verily the Carthusians are everywhere famous as the chief triumphers over avarice; the Cistercians follow to the letter the precepts and footsteps of blessed Benedict, who is acknowledged to have been full of the spirit of all the just; the Cluniacs have carried the true pattern of religion to many provinces. And as for the Canons, it should be the fullest measure of praise that all clerics should imitate their rule. The hermits can point to the Baptist of our Saviour and to the sons of the prophets as the founders of their way of life. The Brothers of the Temple, following the example of the Machabeans, lay down their lives

for their brethren. The "Xenodochi," or "Hospitalers," follow in the footsteps of the Apostles, and, aspiring to the pinnacle of perfection, obey Christ most faithfully in that they live blamelessly and spend all that they have upon the poor. Among all of these, however, are found both worthy and unworthy, men who are sincere and reprobates as well, and not on that account is the sincerity of their piety or professions sullied. For what profession is there, or what fellowship have we ever read of, into which some stain has not crept? We read of the apostate angel, of parricide among the earliest brothers, of the unfaithful prophet, of the traitor apostle, of disloyal disciples of Christ, but not on that account is the purity of the angels who stood firm defiled, or the fellowship of loving brothers rendered less holy, or the gift of prophecy among the elect made blameworthy, or the authority of the apostles brought into contempt among the faithful, or the teaching of Christ disgraced by the various errors of those who depart from it. And so, even as the angel of Satan transforms himself into an angel of light, and pretended apostles aspire to apostolic authority rather than to the apostolic life, in the same manner hypocrites take refuge in the pride of the Pharisees, "making broad their phylacteries and enlarging the fringes of their garments,"[2] but will not touch with their finger the things which are written in the law of God except to the end of being seen by men, from whom they expect a reward of honor or some other remuneration. It is for this reason that they make a display of their ascetic pallor of face, acquire the habit of heaving deep sighs, are suddenly flooded with insincere and artful tears, go with bowed heads, half-shut eyes, short hair or with their head almost wholly shaven, speak in a low voice, move their lips continually as if in prayer, walk with stealthy tread and a kind of rythmical step, are ragged and covered with dirt, and trade

[2] Matt. xxiii, 4, 5.

on the filthiness of their garments and their affected meanness, to the end that they may climb the higher in proportion as they seem the more zealously to have cast themselves down into the lowest place and to the end that they may be forced against their will to become great by seeming of their own accord to be-little themselves. These are the men who if any stain adheres to the Church on its pilgrimage through the World are sure to reveal it to the public gaze that they themselves may be seen by all to be free from stain. These are the men who preach that benefices which have not yet been conferred on holy men should be taken away from them. These are the men who urge princes to deprive churches of their lawful rights because of the vices of individuals. They rob churches of tithes and first fruits and do not scruple to accept churches from the hands of laymen without the bishops' having been consulted. These are the men who filch ancestral acres from the owners who are born to them, reduce villages and hundreds to a solitude, and convert all things that are near them to their own uses, bringing destruction to churches or turning them to secular uses. The building which was once a house of prayer is made either a shed for cattle or a workshop for a herdsman or a wool weaver.

And indeed they commit with impunity even graver wrongs and do not hesitate as it were to toss on the horns of the double power [3] the Church in whose bosom they repose and by whose shade they are protected. For they fly for refuge to the Roman Church, which as the mother of piety is ever wont to procure peace for religion. They implore its aid, pray for the shield of its protection that they may not be injured by the malice of any, and on the pretext of being able to have ampler maintenance and therefore greater ability to perform the duty of charity, they fortify themselves with apostolic immunity from the payment of tithes. They go still further, and to procure

[3] *i. e.*, the temporal power and the spiritual power, *imperium* and *sacerdotium.*

the license of greater impunity, get themselves exempted altogether from the jurisdiction of the churches, and cause themselves to be received as special children of the Roman Church; with the result that while they may bring suit in the court of the defendant anywhere, they cannot be sued save at Rome or Jerusalem. Then they call upon the aid of the secular powers and promise to the latter the divine favor in return for supporting them. And so they make themselves mediators between God and men and receive into their societies those who are in need of indulgence or pardon, hear their confessions, and usurping the keys of the Church or filching them from Peter, presume to bind and loose, and, against the prohibition of the Lord, lay their sickle to a harvest which does not belong to them. In return for the receipt of a favor or a reward, they too lightly absolve the rich and powerful, and, assuming on their own shoulders the sins of others, drive out into tunics or mourning garments the offences which such sinners charge themselves with having committed. They stretch the mercy of the Lord who desires none to perish, and proclaim that it stands open wide to all penitents and is closed only against those who are lacking in hope. Thus they often encourage those who are already too hotly and deeply implicated in crime, to sin hopefully; with the reservation, however, that they always demand something for themselves as the price of the redemption of such sinners, and boldly promise pardon on the ground that as water quenches fire, so alms extinguish sin. Penitence is never too late if it is real. Therefore they acquiesce in evil living, and bidding for popularity by flattery and complacency, stop up the ears of men so that they heed not the chiding of the prelates. In addition they smell out rumors, rejoice in commotions, pry into the secrets of those who are at odds with one another and report them first to one side, then to the other, currying favor with each, disloyal to both, seeming the better fitted for such work because the garb of religion which they wear renders

them less suspected of it. They are believed to be the only ones who know what is the best policy in the palace, in the market-place, on the farms, in the camps, because those who continually meddle in all these arts seem to cultivate in all of them a proficiency excelling others. If the elders assemble in the *curia* or the citizens in the market-place, or the soldiers for a campaign, in short if any council or synod is convoked, this retiring and recluse monkish brood will rush into the chief seats and seize them. You might suppose that the bolts of all the cloisters were broken open, the almshouses and hospices all emptied, and that from all the holy places veritable swarms of cœnobites had poured forth. To such extremes do this type of monkish religionists go in thrusting themselves into crowds and public spectacles. They usurp the first seats, the best beds, the first salutations, and if you do not yield these to them, they vehemently complain that their dignity is insulted. If you speak against them in aught, you will be called an enemy of religion and an assailer of the true gospel. And so you must bear patiently any injuries and wrongs that you suffer from men who seem to have obtained from apostolic and royal authority a license to do all things that they please; for this license is believed to be but justly due to their merits.

Forsooth "he that resisteth the power resisteth the ordinance of God";[4] and for my own part I do not believe that apostolic or royal majesty should be resisted. I only marvel, however, speaking with all due respect for the faithful, how it is that they do not blush to usurp or withhold tithes and rights which belong to others. Perchance they will say, "We are men of religion." But surely to pay tithes is a part of religion, and only a religious people are required by God to pay them. "Yes, but the men who exact them are irreligious men." But who appointed you to be their judge? "Who art thou that judgest

[4] Rom. xiii, 2.

the servants of another? To his own lord he standeth or falleth. He shall be made to stand." [5] But they say, "We are safely fortified with the apostolic privilege by virtue whereof we retain the tithes of our labors and of the young of our animals." To be sure all things are lawful for the apostles; but all things are by no means expedient for followers of the apostles. Grant that they freely conferred this license upon you; ask yourselves whether you did right to seek it. Forsooth he who asks leave not to do what he ought to do is not of his own free will obedient to justice. Did Abel not have respect unto God in the matter of the firstlings of his flock? Cain offered the fruits of the earth; and rightly so because they were owed to God, but he committed a sin by making an unjust division since in the division he subtracted somewhat. His gifts found greater favor who shared with God the offspring of animals; and perchance offerings of animals are more justly rendered up since they are brought forth without labor or care on our part; there is more of labor in sewing and reaping the fruits of the earth. "Men are not compelled to give of what belongs to them." Who, pray, is required to render an account of the labors of others? Why should I say more? By many and long-drawn-out pleadings they strive to build up an argument that their conduct does not forbid others to pay tithes, since they themselves are immune from paying them solely because they are so religious that in this respect they can derogate from the ordinance of God, and are licensed to be less grateful for the grace of God in proportion as they experience more fully its benefits; for things which proceed wholly from the grace of God, like the offspring of animals or things which originate spontaneously, are not counted as subject to religion.

At first, while religion rejoiced in poverty and poured out for the necessities or use of others the very bowels of its own need-

[5] Rom. xiv, 4.

iness, the monastic professions became vested with privileges which, after the necessity for them had passed away and their charity grew cold, are now regarded rather as instruments of avarice than of religion. For, lo, all these privileged persons seek their own advantage, and Jesus, who is preached in public, is either altogether absent or else kept hidden in the background! Hence it is that blessed Adrian when he saw these privileges being thus turned into a means of avarice, not wishing to revoke them altogether, yet restricted their scope by the limitation that what such men may withhold from the fruits of their labor should be interpreted solely with reference to lands newly brought under cultivation after lying fallow. For thus they will be able to enjoy their privileges without serious infringement of the rights of others. Yet there is one thing which even so great a father has somehow consented to endure; and since it is contrary to the canons of the fathers, it is marvellous in our eyes. For the Knights of the Temple by his favor and permission claim and enjoy the right to preside over churches, hold benefices through vicars, and thus, after a manner of speaking, presume to administer the blood of Christ to the faithful although they are men whose profession is chiefly to shed human blood. Not that I would exactly call them men of blood, since almost alone among mankind the warfare which they wage is legitimate warfare; and David was not called a man of blood because of the legitimate wars which he waged, but because of Uria, whose blood he shed culpably. But it is expressly provided in the canons that no capacity in ecclesiastical matters shall attach to laymen although they have taken religious vows. It would certainly seem a mark of true religion if men would refrain from the management of that which by the prohibition of the Lord it is not lawful for them even to touch. Nor do I think that the duty of hospitality ought to be performed from the spoils of rapine—even though the property plundered belong not to churches nor even to members of the

faith,—for God hates the bread of sacrilege, and disdains sacrifices which are offered up from blood, and as often as He is invoked by means of such, closes His ears that they may not be open to the prayers of such as offer them.

Of these acts, which in fraud of the justice of God are done by such men, it is not my present intention to speak; though it is altogether wrong that men, lured by the love of money, should open churches which have been closed by bishops. They celebrate the divine mysteries for those who have been suspended, they bury the dead whom the Church has cast out, and by what they do once during the year they cause the misguided people to be deaf during the whole year to the voice of the Church; and the man who cannot be punished scorns to be bettered. Thus they go about among the churches, trumpeting the merits of their orders, carrying absolution for crimes, and meanwhile, corrupting the Word of God, they preach a new gospel, which they proclaim by living not for grace but for a price, for pleasure and not for the truth, and finally, when they come together in their secret lairs, after preaching virtue by day, they shake their buttocks in nightly toil and waywardness. If this is the path to Christ, then vain and false indeed is the doctrine of the Fathers which has shown that straight and narrow is the way which leads a man to life. When such men bring shame and dishonor upon the Church, none are more justly disturbed than the truly religious men upon whose heads the consequences fall. The people are stirred up to wrath, but the religious orders are more justly embittered against this cancer of hypocrisy. For the evil is charged to the account not of the hypocrites themselves but of the Cistercians or Cluniacs or others whose garb these windbags and ventriloquists have put on, and whose life they belie. For the monks who are simply and truly religious, and who keep their vows, are free from this wickedness. No life is more faithful, none more simple, none more blessed than the life of the men

who spend their days humbly in the cloisters, rejoicing in self-effacement, obeying their superiors in all subjection and reverence, not seeking for power under the pretext of obedience, nor coveting the opportunity of cozening, roaming abroad and idling, but possessing their vessels in sanctification and honor, holding themselves in readiness silently and in the salutary patience of God, wholly averse from detraction and murmuring, receiving in peace from the mouth of the Lord the word which is able to save their souls, holding pleasant converse with God, and like earthly angels ignorant of all the confusion and strife of the world. If there is aught which seems to sadden them, it is to be attributed to their affection for their brethren, since even the angels in heaven somehow take compassion upon our lapses, and rejoice together over a single sinner brought to repentance. It is hard indeed to imitate the philosophers in this age when virtue is exhausted, and Astraea, deserting men, has returned again to the skies;[6] but infinitely superior to the virtue of the philosophers is the life of the monks of the cloister, or, perhaps I should better think, it is itself the best and surest philosophy. And those who go forth in humility and lowliness to procure wherewithal to satisfy the needs of the monks, and who faithfully busy themselves about this work, lead a life which is even more useful if not more secure, and are worthy of the highest praise and reverence; nor are they in any sense to be included in the troublemaking faction of the Epicureans or hypocrites. For hypocrites are properly to be grouped with the followers of Epicurus, who preach philosophy and in practice serve their own self-will. When they encourage contention, abuse their privileges, are slaves to cupidity, neglect altogether the duties of charity, seek their own glory, do they not walk after the way of the flesh, though they falsely pretend to be men of the spirit? Deservedly awaiting the destruction of the flesh,

[6] Ov., *Metam.* i, 149, 150.

they are destined to be partakers of Gehenna along with him who is also a spirit, but who, swollen with vain glory, desired to be equal with or greater than even the Most High, and therefore was cast down and hurled headlong into the lake of eternal damnation. Verily they are insane who advance by this path, and more miserable than all the gentiles, because they are deprived both of the goods of this present life and also of the life eternal; and the more so since He who for the sake of sinners endured sin to be done, and showed Himself the friend of publicans and harlots, yet refused to live at peace with hypocrites who had no need of His justice. That is plain to all who study carefully the debates which He had with the Pharisees. Yet these men, imitating the Pharisees, strive to attain the chief places.

CHAPTER XXV

OF THE LOVE AND PURSUIT OF LIBERTY; AND OF THOSE OF OLD TIME WHO PATIENTLY BORE WITH FREE SPEAKING; AND OF THE DIFFERENCE BETWEEN A GIBE AND A TAUNT.

Liberty means judging everything freely in accordance with one's individual judgment, and does not hesitate to reprove what it sees opposed to good morals. Nothing but virtue is more splendid than liberty, if indeed liberty can ever properly be severed from virtue. For to all right-thinking men it is clear that true liberty issues from no other source. Wherefore, since all agree that virtue is the highest good in life, and that it alone can strike off the heavy and hateful yoke of slavery, it has been the opinion of philosophers that men should die, if need arose, for the sake of virtue, which is the only reason for living. But virtue can never be fully attained without liberty, and the absence of liberty proves that virtue in its full perfection is wanting. Therefore a man is free in proportion to the measure of his virtues, and the extent to which he is free determines what his virtues can accomplish; while, on the other hand, it is the vices alone which bring about slavery, and subject a man to persons and things in unmeet obedience; and though slavery of the person may seem at times the more to be pitied, in reality slavery to the vices is ever far the more wretched. And so what is more lovely than liberty? And what more agreeable to a man who has any reverence for virtue? We read that it has been the impelling motive of all good princes; and that none ever trod liberty under foot save the open foes of virtue. The jurists know what good laws were introduced for the sake of liberty,

and the testimony of historians has made famous the great deeds done for love of it.] Cato drank poison, pierced himself with his sword, and that no delay might prolong life on terms which he deemed ignoble, he thrust in his hand to widen the wound, and poured out his noble blood, that he might not see Cæsar reigning. Brutus set on foot civil wars to save the city from slavery; and that seat of empire preferred rather to bear the wretched afflictions of perpetual war than to endure a lord, though of the mildest character. I pass on to the weaker sex. The wives of the Teutons, because of the value they set upon their chastity, besought Marius after his victory that they might be presented as a gift to the Vestal Virgins, promising that they would abstain from all unchastity; and when their prayers were not heeded, on the following night they ended their lives by strangling themselves in order not to become slaves or suffer loss of their chastity. [If I wished to recall individual instances of this kind, time would run out before the examples were exhausted. The practice of liberty is a notable thing and displeasing only to those who have the character of slaves.

Things which are done or spoken freely avoid the fault of timidity on the one hand and of rashness on the other, and so long as the straight and narrow path is followed, merit praise and win affection. But when under the pretext of liberty rashness unleashes the violence of its spirit, it properly incurs reproach, although, as a thing more pleasing in the ears of the vulgar than convincing to the mind of the wise man, it often finds in the indulgence of others the safety which it does not owe to its own prudence. Nevertheless, it is the part of a good and wise man to give a free rein to the liberty of others and to accept with patience the words of free speaking, whatever they may be. Nor does he oppose himself to its works so long as these do not involve the casting away of virtue. For since each virtue shines by its own proper light, the merit of tolerance is resplendent with a very special glory.]

Once a certain man of Privernum, when asked how the captives from his city would keep the peace if they were granted amnesty, replied to the Roman consul: "If you grant them an advantageous peace, they will keep it forever; if a disadvantageous one, they will not keep it long." By these bold words, freely spoken, it came to pass that the citizens of Privernum obtained not only pardon for their rebellion, but the benefits of Roman citizenship besides, because one man of them had dared to speak out thus boldly in the Senate. On another occasion a certain Philip used his liberty to speak against the senatorial order, and before the rostrum he censured their inactivity, saying that for his part he thought that another Senate was needed; but not even by this could the gravity of the senators be shaken, nor the presence of mind of the consul Philip be disturbed, when the accused, upon whom he bade one of his lictors to lay hands, replied to him: "Philip, to me you are not comporting yourself like a consul, since in your eyes I am not a senator." [1]

Pompey the Great, among others, was especially notable for this virtue. Once when Gneius Piso was conducting a proceeding against Mallius Crispus, and saw the latter escape, thanks to Pompey, though he was clearly guilty, Piso, carried away by the impulsiveness of youth, charged the mighty patron of his opponent with many and serious crimes. Being thereupon asked by him why he did not lay an accusation against him [and his sureties],[2] he answered, "Give sureties to the republic that if you are summoned to answer, you will not commence a civil war, and I will bring your case before the judges sooner than that of Mallius." Thus in the same proceeding he took on two

[1] The sense of this passage is confused because John has misunderstood his source, Val. Max. vi, 2, 2. According to Valerius the Philip who made the disparaging remark was the consul, and he ordered a lictor to lay hands on a senator who objected. It was this senator who made the witty reply to the consul.

[2] The word "predes" seems due to a corruption of the text of John's source, Val. Max., vi, 2, 4.

defendants, Mallius because of the accusation which he had brought against him, Pompey by reason of the liberty he had taken against the latter, and prosecuted one of them for the sake of the law, the other for the profession which was his only resource. Gneius Lentulus Marcellinus, the consul, when he complained in the assembly of the excessive power of Pompey the Great, and the people had signified their assent by a loud shout, said to them, "Applaud, citizens, while you may: for soon when Pompey puffs himself up you will no longer be permitted to applaud." Thus was the power of a leading citizen attacked in those days with impunity, from some quarters by envious carping, from others by wretched lamentation. Once when he had his thigh bound up with a white bandage, Favonius said to him, "It makes no difference in what part of the body the diadem is worn"; meaning to reproach his royal position by cavilling at a little rag. But he, not altering his countenance in either sense, took care neither to seem pleased at the recognition of his power by assuming a proud front, nor to confess anger by a cloudy one. Again, when he taunted Helvius Formianus, the son of a freedman, with having come up from the underworld to accuse Lucius Libo, the friend of Pompey, Helvius said: "I come from the underworld to be the accuser of Libo; but while I sojourned there, I saw countless innocent souls of every age and both sexes complaining bitterly against you,—souls whom you did foully condemn by means of this great power of yours which is insupportable to good men"; and thereupon, within the hearing of all, he rehearsed the whole catalogue of the blameworthy and wicked deeds of Pompey. And so it was at one and the same time the boldest, and yet the safest, act to speak ill of Pompey; whence it came to pass that Deïphilus, the tragedian, in the midst of acting a play, pointed with his hand to Pompey before all the people, and said, "Great is our misery." There is another story that when the consul Gaius Carbo bade the people of Placentia give hostages to him,

Marcus Castricius, fired by the spirit of liberty, yielded neither to threats nor to force, but when the consul said that he had swords, he replied, "Yes, but I have years." Servius Galba, who had assumed an obligation on behalf of Pompey, when he was cited into court said, "Gaius Cæsar, I once bound myself to pay money on behalf of your former son-in-law Pompey during his third consulship, on which account I am now sued. What shall I do? Must I pay?" And by openly and publicly upbraiding him for the sale of the goods of Pompey, he merited to be removed from before the judgment seat; but that great man, whose heart was milder than mercy itself, ordered Pompey's debt to be paid out of his own treasury.

Pisistratus, the tyrant of Athens, when his wife urged him to sentence to capital punishment a youth who, inflamed with love of the tyrant's daughter, had kissed her in a public street, replied: "If we slay those who love us, what shall we do to those who hate us?" A saying which was worthier of a free citizen than of a tyrant, and one which expressed a praiseworthy tolerance of the insult to his daughter and a tolerance even more praiseworthy of the insult to himself. The same Pisistratus, when at a banquet he was reviled with endless taunts by his friend Trasippus, preserved his self-control and refrained from words of wrath, and though Trasippus in his drunken fury had spat in his face, he restrained his sons and family from taking vengeance, and on the following day when the man came to him as a suppliant and voluntarily begged to die for his fault, he gave him his full confidence and restored him to their former intimacy. Once the Senate proceeded to assign the province of Spain to two citizens of the noblest birth, but of very unequal fortunes. Servius Sulpicius, a man of humble station but accustomed to use the utmost liberty of speech, happened to be present, and when the people would have given their assent to the act of the Senate, he spoke out, saying, "In my opinion neither of these men should be sent, because one of them has

nothing at all, the other can never get enough"; being of opinion that poverty and avarice equally are an evil schoolmistress of arbitrary mis-government. On another occasion an ambassador of the Cinnii, who were in arms against the Roman empire, could have angered the Roman consul Brutus, the commander in Lusitania, by the sharpness of his speech, had Brutus not been a Roman, for that nation beyond all others was ever fond of moderation; for the Cinnii having been invited to buy their liberty, their ambassador said that their ancestors had bequeathed to them steel wherewith to defend their city, but not gold wherewith to buy their freedom from a greedy commander. Paschelius Junius, a man of the utmost independence and of great knowledge, and famous both at home and abroad, but exclusively absorbed in the study of philosophy, when asked to what he owed such freedom of saying exactly what he pleased replied, "To two things which men abhor, old age and childlessness; for what has a childless old man to fear?" Pirrus once asked some persons who at a banquet in Tarentum had held language scarcely respectful concerning himself, whether what he had heard of them was true. Whereupon one of them answered, "If our wine had not given out, the things which were reported to you would have been a joke and mere child's play in comparison with the things we would have gone on to say." This witty excuse of drunkenness, and such a simple confession of the truth, turned the anger of the tyrant into laughter.

The right to be included among men of free and independent spirit belongs to that woman of barbarian blood who, mourning for the havoc wrought by King Philip, said, "I would appeal my condemnation from Philip drunk to Philip sober." For thus she shocked him from drunken yawning, and, bringing him back again to sober self-possession, compelled him to re-examine her case more carefully and render a juster judgment. A certain woman of Syracuse daily besought the gods at the hour of morning with solitary prayers for the safety of the oppressive

and insufferable tyrant Dionisius. When this came to his knowledge, marvelling at such a display of unmerited good-will toward himself, he called the woman to him, and asked her why, or for what good deed of his, she did this thing. She replied: "I have a good reason for what I am doing. For when I was a girl we had a grievous tyrant and I desired that we might be rid of him. But when he was slain, one even more horrid and abominable seized the citadel; and I set great store by the ending of his rule also. You succeeded him, and we have found you a yet more cruel ruler than the two who went before you. So I fear that if you too are taken, a still worse will succeed you, and therefore I offer up my own head for your safety." And Dionisius, although the most ruthless of men, blushed to punish such clever audacity.

What indeed will be safe or secure if even the virtues, among which the spirit of liberty and independence holds almost the leading place, are punished? Therefore the Romans, just as they excelled all other peoples, so showed themselves more tolerant than all others of criticism; to the point indeed, that while it should be studiously avoided at banquets and on all occasions of a not strictly sober character, yet whoever shuns and fears it when it is just and fairly meant, causes himself to appear ignorant of sobriety. For even if criticism carries open or covert malice, to bear it is in the eyes of wise men a far finer thing than to seek to punish it. Therefore, to indulge in gibes and taunts against the possessors of great power is rather a wanton abuse of liberty than a thing proper and lawful in itself.

A gibe, according to Eustachius in his book of Saturnalia, is a criticism which carries a direct affront and insult. A taunt is a covert thrust, because it is often veiled with guile and witty politeness, so that the words appear to mean one thing and really imply another; nor is it always carried to the point of bitterness, but is sometimes sweet in the ears of those against whom it is

pointed. This is the variety which is most frequently used by the clever and polite, especially at table or over the wine-cups, where it becomes a ready provocative to anger. For as even a light touch will push over the edge a man who stands upon a precipice, so one who is soaked and stained with wine will be excited to fury by even a slight injury. Therefore at the banquet table special care should be used to refrain from the taunt which contains a hidden insult. For sayings of this kind strike nearer home than out-and-out gibes, just as curved hooks take a firmer hold than straight sword-blades, particularly because such sayings move the hearers to laughter, from which token of seeming assent the insult is all the more keenly felt. An example of a direct gibe is the following: "Have you forgotten how you used to sell pickled fish?" But a taunt, wherein, as has been said, the malice is concealed, is after this fashion: "We all remember the time you cheated yourself by a claw's length." The same thing in substance is said in both cases, but the gibe is where the attempt to humiliate is open and undissembled; the taunt is where it must be read between the lines. Taunts are less sharp, like the bites of a toothless animal. As for example the saying of Tully about the consul whose consulship lasted for only one day: "We have always had priests of the Day; now we have consuls of a day"; or another saying of his at the expense of the same victim: "Our friend Canius is indeed a most vigilant consul, never having slept once during his term of office"; and when Canius complained that he had not visited him during his consulship, "No," said he, "I was on my way, but night overtook me."

Regarding the use of gibes and taunts and their relation to civility, something will be said in the sequel;[3] for the present let it suffice to have shown that it is permissible to criticize what should rightly be amended. But I must add to what I have already said, and as a sort of tail-piece to this book, one story

[3] Bk. viii, c. 10, not included in this translation.

about the taunts of Alexander: When King Darius after making test of his valor in one battle and then a second one, offered him the portion of his kingdom reaching to Mount Taurus, as well as his daughter in marriage and a million talents in money, and when Parmenion, a great man among the followers of Alexander, had said to him that if he were Alexander, he would accept these terms, Alexander replied: "Yes, and if I were Parmenion, I should do the same"; thus silently criticizing the faint-heartedness of his counsellor by a speech befitting his own two victories, and meriting that he should be honored with a third, as afterwards came to pass.

Therefore, in order to preserve liberty and out of regard for it, it has always been permissible for a free man to speak to persons concerning their vices; since there is a rule of law which permits the free expression of the truth, and during the month of December indulges even slaves with this liberty against their masters so long as they speak only the truth. During that month, without asking leave and as a thing belonging to them of right, they may whet their tongues and without fear of punishment find fault with whatever has irked them during the entire year, bringing their complaints and accusations in the open, with the restriction, however, that after the expiration of the Saturnalia they shall not overstep their privilege to the extent of accusing their masters or patrons. I am therefore taking advantage for myself of this December liberty, and obedient to your commands, am criticizing what both you[4] and I find objectionable, placing my reliance on the general privilege conferred on all by the law, and not deeming it necessary to crave special permission in respect of utterances which are designed to serve the public advantage, and which have already met with your own approval.

[4] *i. e.*, Thomas Becket, to whom the Policraticus is dedicated.

Here ends the Seventh Book

Selections from

THE EIGHTH BOOK

(CHAPTERS ON TYRANNY AND TYRANNICIDE)

CHAPTER XVII

WHEREIN CONSISTS THE DIFFERENCE BETWEEN A TYRANT AND A TRUE PRINCE; AND OF THE TYRANNY OF PRIESTS; AND WHEREIN A SHEPHERD, A THIEF AND A HIRELING DIFFER FROM ONE ANOTHER.

Wherein the prince differs from the tyrant has already been set forth above when we were reviewing Plutarch's "Instruction of Trajan"; and the duties of the prince and of the different members of the commonwealth were also carefully explained at that point. Wherefore it will be easier to make known here, and in fewer words, the opposite characteristics of the tyrant. A tyrant, then, as the philosophers have described him, is one who oppresses the people by rulership based upon force, while he who rules in accordance with the laws is a prince. Law is the gift of god, the model of equity, a standard of justice, a likeness of the divine will, the guardian of well-being, a bond of union and solidarity between peoples, a rule defining duties, a barrier against the vices and the destroyer thereof, a punishment of violence and all wrong-doing. The law is assailed by force or by fraud, and, as it were, either wrecked by the fury of the lion or undermined by the wiles of the serpent. In whatever way this comes to pass, it is plain that it is the grace of God which is being assailed, and that it is God himself who in a sense is challenged to battle. The prince fights for the laws and the liberty of the people; the tyrant thinks nothing done unless he brings the laws to nought and reduces the people to slavery. Hence the prince is a kind of likeness of divinity; and the tyrant, on the contrary, a likeness of the boldness of the Adversary, even of the wickedness of Lucifer, imitating him that sought to build his

throne to the north and make himself like unto the Most High,[1] with the exception of His goodness. For had he desired to be like unto Him in goodness, he would never have striven to tear from Him the glory of His power and wisdom. What he more likely did aspire to was to be equal with him in authority to dispense rewards. The prince, as the likeness of the Deity, is to be loved, worshipped and cherished; the tyrant, the likeness of wickedness, is generally to be even killed. The origin of tyranny is iniquity, and springing from a poisonous root, it is a tree which grows and sprouts into a baleful pestilent growth, and to which the axe must by all means be laid. For if iniquity and injustice, banishing charity, had not brought about tyranny, firm concord and perpetual peace would have possessed the peoples of the earth forever, and no one would think of enlarging his boundaries. Then kingdoms would be as friendly and peaceful, according to the authority of the great father Augustine,[2] and would enjoy as undisturbed repose, as the separate families in a well-ordered state, or as different persons in the same family; or perhaps, which is even more credible, there would be no kingdoms at all, since it is clear from the ancient historians that in the beginning these were founded by iniquity as presumptuous encroachments against the Lord, or else were extorted from Him.

It is not only kings who practice tyranny; among private men there are a host of tyrants, since the power which they have, they turn to some forbidden object. Nor let anyone be surprised that I seem to have linked kings with tyrants, since though it is true that a king derives his title from doing right [3] and that which befits a prince, still the name by common abuse comes often to be applied to the tyrant. As for instance in the well-known lines: [4]

[1] Isa., xiv, 12–14. [2] Aug., *De Civ. Dei.* iv, 15.
[3] Hor., *Ep.*, I, i, 59-60; Isid., *Etym.* ix, 4 (Migne, *P. L.*, tom. lxxxvi, 342).
[4] Lucan *Phars.* ii, 562–63.

"I have mounted to the highest point to which a free people
Could raise a citizen, and nought remains for me save kingly power":

and the other line:

"My hope of peace will be to have touched the right hand of the tyrant." [5]

If it is permissible to call by the name of duty that which is contrary to all duty and to the rule of right living, we may find laid open to us in the statement of one of them, a list of the duties, or rather of the vices, of tyrants. This is Photinus (from whom the whole brood might not undeservedly take their name and be called Photinians), who was foremost among the monsters of the house of Pelleas, that is to say among the other monstrosities of Egypt, a man famous for his foulness and cruelty, who daring to condemn Pompey to death, or rather stating the practice of tyrants with hardened insolence, said:

"Law and religion, Tholomee, cause many men to do harm.
Good faith, though we may praise it, cannot escape paying the penalty
When it aids those who have fortune against them; join then the side which is favored by the gods and the fates,
And cultivate the fortunate, shun the unfortunate. As far
As the stars from the earth, or fire from the sea, so far is the right from the profitable.
The power of the scepter totally perishes when it begins
To balance justice and injustice; and the clash of battle punishes regard for right.
The liberty to commit crimes is what preserves the power of kings, hated though they may be,
And the measure of the sword, sufficiently applied.
To do all things cruelly does not lawfully escape punishment save when you do them successfully.

[5] Verg., *Aen.* vii. 266

Let him depart from the court of kings who desires to be righteous; virtue and supreme power
Do not agree; he will always live in terror who is ashamed of cruel deeds." [6]

Therefore respect for the right and the just is either not sufficiently present or else is wholly wanting from the face of tyrants; and whether they are ecclesiastical or temporal tyrants, they desire for themselves power to do all things, despising what should precede and follow power. Still I would wish that both classes might be persuaded of this, that the divine judgment has not yet expired which was imposed on our first parents and their seed: namely that because they would not when they could, it was imposed upon them that they should not be able to obey justice even when they would willingly do so. For the proverb says, "He who will not when he may, when he wills he shall have nay." Of this saying the great Basil is the author. For once when a poor woman besought him to intercede for her with the prince, he took her petition, and wrote thus upon it to the prince: "This poor woman has come to me because she thinks that I have some influence with you; if I have, please show it." And he gave back the paper to the woman, who went away and gave the letter to the prince. Reading it, the prince wrote back as follows: "Holy father, on your account I have wished to take pity on the poor woman, but I could not because she is subject to the tributes." The saint then wrote back to him: "If you would and could not, then well and good, no matter how the case stands; but if you could and would not, Christ will cause you to take your place among the needy so that when you will, you shall not be able." The Holy Truth, which is ever present to the elect, did not fail to confirm the words of its spokesman. For in a short space of time the same prince, having been tempted to disdain the emperor, was led captive in

[6] Lucan, *Phars.* viii, 484–495.

fetters, thus by his own punishment making satisfaction for those whom he had unjustly oppressed. But on the sixth day as a result of the prayers of Basil he was freed from captivity, giving up his imperial pretensions, as the holy man had desired.

Thus a king is sometimes called by the name of tyrant, and conversely a tyrant is at times called by the name of prince, according to the saying: "Thy princes are faithless and the companions of thieves";[7] and eleswhere, "The princes of the priesthood took counsel together that they might seize Jesus by stealth and put Him to death";[8] although by the just sentence of the law He should have been acquitted and set free. For in the priesthood as well as elsewhere are to be found many who strive with all their ambition and all the arts thereof to use the duties of their office as but a pretext under cover whereof to practise tyranny. For the commonwealth of the ungodly has also its head and members, and strives to correspond, as it were, to the civil institutions of a legitimate commonwealth. The tyrant who is its head is the likeness of the devil; its soul consists of heretical, schismatic, and sacrilegious priests, and, to use the language of Plutarch, prefects of religion who wage war on the law of the Lord; its heart of unrighteous counsellors is like a senate of iniquity; its eyes, ears, tongue, and unarmed hand are unjust judges, laws and officials; its armed hand consists of soldiers of violence whom Cicero calls brigands; its feet are those who in the humbler walks of life go against the precepts of the Lord and His lawful institutions. All these can easily be restrained by their superiors. But surely priests ought not to become indignant with me if I must confess that among them too can be found tyrants. Else to what end is that saying of the prophet: "Son of man, prophesy concerning the shepherds of Israel, prophesy and say unto them: Thus saith the Lord God, Woe to the shepherds of Israel that do feed themselves! Should not the flocks be fed by the shepherds? Ye did eat the milk, ye

[7] Isa. i, 23. [8] Matt. xxvii, 3, 4.

clothed yourselves with the wool, and ye did kill that which was fat; but my flock ye did not feed. Ye did not strengthen that which was weak, ye did not heal that which was sick. Ye did not bind up that which was broken, ye did not bring again that which was driven away, neither did ye seek again that which was lost; but ye ruled over them with rigor and with a high hand; and my sheep have been scattered because there was no shepherd, and they became meat to all the beasts of the field, and were scattered."[9] What else does this bitter denunciation of Ezechiel show to have been present to his mind if not that the shepherds were lacking in the things which they should have had, and had the things which they should have lacked? Wherefore saith the Lord: "Behold, I myself am above the shepherds, and I will require my flock at their hand, and will cause them to cease from feeding my flock any more; and I will bring it to pass that the shepherds shall no more feed themselves, and I will deliver my flock out of their mouth and my flock shall no more be meat for them."[10] Is it not clear that this language is meant to describe manifest tyranny on the part of the priesthood, and to depict the lives of those who in all things seek their own gain and put behind their backs the things which are of Jesus Christ? Verily the passage is not my own but borrowed from the oracle of the perfectly undefiled Gospel, wherein, in the words of the Apostle who was Jesus' friend, there is described the manifest difference between the hireling shepherd and the thief; namely that "the good shepherd lays down his life for his sheep."[11] And if you ask what are the duties of his office, you will find them in the aforesaid prophet: "Behold, I myself will seek my sheep, and will visit them, as a shepherd visiteth his flock in the day when he shall be in the midst of his sheep that were scattered. I will lead them forth from the mist, I will gather them from out of the darkness. I will bring them into their own land, and will feed them upon the mountains

[9] Ezek. xxxiv, 2–5. [10] Ezek. xxxiv, 10. [11] John x, 15.

of Israel by the rivers, and in all the habitations of the land; in the richest pastures, on the highest mountains, shall their pastures be; they shall lie down upon green herbage, and they shall feed in fat pastures upon the mountains of Israel. I will feed them, and cause them to lie down; I will seek that which was lost, and bring again that which was driven away; I will bind up that which was broken, and I will strengthen that which was weak, and I will preserve that which was fat and strong."[12] This is the diligence wherewith shepherds should watch over their flocks. To which He also adds: "And I will feed them in judgment and in justice";[13] this corresponds to, and is contrasted with, that other passage which had gone before: "Ye ruled over them with rigor and with a high hand." For it is written that "to have one weight for one, another weight for another, to use one measure for one and another measure for another, both are abominable in the sight of God."[14] But among men who are engaged in business it seems a mark of notable though unlawful prudence, which is really knavery and fraud, to measure with one measure for themselves and with a shorter one for others. But for a prelate, the reason of equity requires that the burden which he seeks to impose on others he should first bear himself, and what he wishes to teach he should first fulfil in his own works.[15] This is what is meant by the injunction to feed them in judgment and justice and not to rule them with rigor and a high hand. But the latter is done by those who bind upon the shoulders of men burdens grievous and intolerable to be borne, which they themselves disdain to touch with their own finger. Wherefore the prophet continues: "And when ye yourselves drank of the clearest water,

[12] Ezek. xxxiv, 11–16. [13] Ezek. xxxiv, 16. [14] Prov. xx, 10.

[15] Cf. Chaucer's portrait of the good parson:

"This noble ensample to his sheep he yaf,
That first he wroughte, and afterward he taughte."

"Canterbury Tales," Prologue, ll. 496–7.

ye muddied the rest with your feet, and my flock were fed with that which ye had trodden with your feet, and they drank that which your feet had muddied. Therefore, behold, I myself will judge between the fat cattle and the lean, because ye have thrust with sides and shoulders, and tossed all the weak cattle with your horns till they were scattered abroad." [16] To outward appearance a hireling feeds the sheep; but because he does all things for a price, when he beholds the wolf rushing toward him, he leaves the sheep and flies, being not a shepherd but a hireling, and caring not for the sheep but for his pay, even as a dumb watchdog that cannot bark to frighten off the approaching wolf by his outcry and clamor; but fears him who snatches away his means of living, and does not stay to await him who will torture his soul in Gehenna. Verily, he is blind to the larger things and shuns all things which are not objects of property. Of such men it is written, "Woe unto the foolish prophets that follow their own spirit and see nothing; like foxes in the deserts are thy prophets, O Israel! Ye have not gone up to face the enemy, neither have ye built a wall before the house of Israel, that ye might stand fast in battle in the day of the Lord." [17] For there is no spirit of liberty or independence in them to lift up their voices against the powers of the world, no valor to protect the Truth in time of danger; in all things it is payment which they seek, in none or in but few do they seek the salvation of souls. So long as they prosper in their own concerns, so long as they realize the objects of their ambition and avarice, they hold in small account the loss of the things of Jesus Christ. Let there be peace in their times, let the sheep be prolific, the beeves fat, the storehouses full; let the table loaded with meat and drink dazzle the admiring eyes of the beholders, let the elaborate finery of all manner of curious and costly furnishings abound, let them be reverenced and

[16] Ezek. xxxiv, 18–21. [17] Ezek. xiii, 3–5.

fawned upon by crowds of sycophants, let them grow rich and be visited by their subjects with presents, in short give them liberty and impunity to do without blame whatever their desire dictates, and they will say to everything, "Capital! Bravo!" And thus they seem, according to the reproach of the prophet, to have daubed with mortar unmixed with straw the wall of hardened sin which by the precept of God was to have been undermined to the end that it might fall and the worst abominations vanish from the house of the Lord.

These are the men that sew cushions and place pillows beneath the head of a whole generation to snare souls,[18] and consume the milk and clothe themselves with the wool of the sheep which they have as it were led into the sleep of negligence or rashness. But a thief is proved by his works, because he "cometh not but for to steal and to kill and to slay and to destroy," [19] A wholly destructive and open enemy is he who is a shepherd neither in fact nor in appearance, and does not even feed the sheep in return for pay, but counts it as his own gain when he slays them. Therefore love is due to the true shepherd because he loves; the hireling merits to be endured patiently because in appearance he imitates the loving shepherd; but to the thief the Church owes nought save punishment. If the good man of a household knew at what hour the thief would come, he would watch diligently, and not permit his house to be invaded. The sheep hear the voice of the shepherd and follow him; at times they give ear to the voice of the hireling, but they scorn to follow because he does not lead toward life; but the voice of the thief they spurn with horror and flee away therefrom, because in his hand they see, and in his mouth they hear, the deeds of death; verily he is not only a thief and a brigand but a ravening wolf, a follower of the roaring lion who goeth about seeking whom he may devour. Who then would not resist him, or

[18] Ezek. xiii, 18. [19] John x, 10.

at least flee away before him who thus approaches the sheepfold to slay and to kill? "If a man desire the office of a bishop," says the Apostle, "he desireth a good work." [20] But I do not know how the thing has been so turned to its contrary that while almost all desire to be bishops, yet when they have attained to that which they desire, they become idle and do nothing; or, what is more scandalous, busy themselves about works of vanity. With what ambition they race for the prize I have sought to explain above, but, as the thing stands, it was entirely beyond my power to give a full description; and it will be even more difficult to describe how uselessly many employ themselves in the station which they have so longed to reach. But one thing I know, which is that they do not run forward with equal eagerness to lay down their lives for others, but even refuse to devote to their needy brothers the favors which they have received from fortune, or, to speak more correctly, the temporal gifts of the grace of God, which are bestowed solely for the purpose of being so used as to merit His eternal gifts. But that this is the essence of the duty of a shepherd has been showed by the prince of shepherds both by His words and by His example. Therefore, those who race forward with such ambition are only hastening to become hirelings or thieves. Yet even so it is well indeed with the sheep that are entrusted to the care of one who actually feeds them, if only for pay. Because among hirelings themselves there are degrees and differences. To be sure they all spread nets for game; but some fish for the catching of both souls and things, others only for things, not hesitating to bring souls into peril; and often they trouble all things, to the end of creating a richer opportunity for fishing therein to their heart's content. You will marvel at the sumptuous trappings and Cresus-like means, as the saying is, of men who preach the poverty of Christ, and taking advantage of the fact that they

[20] 1 Tim. iii, 1.

are not compelled to serve at their own expense, preach the Gospel in order that they may feast, and thus abuse the stipend of preachers of the word. The cup wherein Joseph was wont to divine, they turn over in the mouth of their sack, but it descends not into their hands. For verily the tongue of the priest is the cup of Him who is in the Truth, and, by a figurative use of words, it signifies the Saviour of the World, who was sent to reveal hidden things and to refresh the minds of the faithful with a draught of that Spirit wherewith when they were replete, the disciples in Judea were reputed drunk, belching forth the word of faith and salvation, and dispensing the seed of the corn which had fallen into the ground of their hearts and which now in the purity of their eloquence brought forth abundant fruit unto God.

Others who are wholly without the Gospel, yet live by means of the Gospel, and fortunate it is if they merely live by it and do not also fatten upon it. I should scarcely apply the name of hirelings to those who do not labor in order to eat, but rather desire without labor not merely to eat, which is a thing of necessity, but to luxuriate in idleness. To be sure, indulgence and reverence are due to all who exercise the office of a shepherd; and I am willing that all who in any way bring tidings of Christ and win gain for Him, though to their own advantage and for the sake thereof, should yet be numbered among shepherds of souls and dispensers of salvation, and that they should be esteemed in friendship, be held in veneration and enjoy the honor due to fathers; though they are hirelings, yet I for my part will never deprive them of their pay. Would, rather, that among them there were one who would speak the word of God, who would build up the Church of God, though at a price and for the sake of pay! I do not grudge them their pay if it is preceded by works. But those who are so greedy for pay that they scorn and neglect all the things which are of Christ, even though they do not teach heresy or split the Church with

contentions, are unworthy of the name or honor of a shepherd, or even of hireling. I am not speaking of papal legates. I leave untouched the Roman Church, which by the high authority of God is the parent and nursing mother of faith and life and, fortified by privilege from heaven, can neither be judged nor blamed of men; for it is not credible that they should presume or deign to commit acts which even by the law of the gentiles are everywhere recognized as unlawful for governors of provinces and proconsuls, that is to say for legates of Cæsar. What impudence would be needed for a disciple of the Crucified One, the vicar of Peter, the shepherd of souls, to dare attempt things which, while the pagan doctrine prevailed in vigor, no imperial vicar, ruling men's bodies from the office of a consul, ever dared presume?

The penalty of extortion has been set forth above, and our own age knows it, not merely from the provisions of the laws but from historical examples, and that, except in the matter of food and drink, it was not lawful for a judge to accept anything from the provincials, with the added provision that what was so accepted must never fall into the category of a gift or bribe. Who then will believe that the fathers of the Church, the judges of the earth, and, if I may use the expression, the brightest luminaries of the world, should delight in gifts, run after fines and forfeitures, wring money from provinces until they destroy them, drain the coffers of others to fill their own, preach poverty with their tongues and by their crimes rush after riches, condemn traffic in spiritual things as though it were lawful for them alone to engage therein, so acting as to be a terror to all, loved by none, teaching peace that they themselves may stir up strife, recommending and pretending humility to make way for their own pride, smiting the avarice of others and feeding their own, commanding liberality, standing fast in parsimony; and, to include in a few words all the twists and ample folds of this matter, throwing in their lot with all rascals

and scoundrels, or assuming joint responsibility for their crimes so as to seem a council of vanity, a synagogue of evil-doers, a church of wicked spirits, in whose hands are iniquities and their right hand is filled with bribes? Perish the possibility that any should dare harbor such a suspicion! Let none fall into such wickedness as to set his mouth against Heaven and uncover the nakedness of the fathers, which ought not to be seen. Every thing of theirs is white and decorous, there is nought in them which is exposed to the biting of dogs, or, as the satirist says, to jeers from behind.[21] If, however, any should be guilty of such presumption, he can be answered by one, and the strongest possible, argument, which all our adversaries will not dare to withstand or contradict. What argument? you say. The argument namely, that the works which they do bear testimony concerning them. If you ask for the method of proof, look to the effect from which the purity of the cause can be inferred with certainty; for the thing whereof the work is good, is itself good. If you ask for the authority, it is He who says, "By their fruits ye shall know them; for a corrupt tree cannot bring forth good fruits nor, contrariwise, can a good tree bring forth evil fruits."[22] Many more arguments could be urged in their behalf if any still thinks that they should be disparaged; but let the following alone suffice in their defence: it may be taken as established that we should adore the foot-prints of the Apostles, and that those who possess their seat and imitate their life should be honored as fathers, cherished as masters. Therefore, this page with its criticisms looks rather toward those who are wafted forward on waving wings, who in the midst of satiety dispute about fasting, and pull down by their works what they build up by their words; the eunuchs of the queen of the Ethiopians sit in their chariot and with closed eyes read aloud the Scriptures, but disdain or are unable to look upon

[21] Pers., *Sat.* i, 62.

[22] Matt. vii, 16, 17.

Him who is led like a sheep to the slaughter and opens not His mouth before His shearer; nor do they deign to ask a disciple of the Truth to sit beside them and interpret, until they descend to the waters whereby they may be cleansed from dead works. Verily, though they ride upon the wheels of the Scriptures and are borne along by the rush of winged beasts, their tongue, when it disputes of higher things, licks the earth; nor do they understand the Scriptures, because their heart is not opened by the Lord of sciences who, as is written in the Acts of the Apostles, opened the heart of Lydia, the seller of purple, that she might hear the things which were said by Paul, things whereof truer knowledge comes to those who fear God by way of humble obedience to his commandments than by wordy disputations.

A thief may be identified in either of two ways. For in the first place one who struggles up from conversation with the earth by the ladder of pride and ambition, and by the rungs of the vices climbs into the sheep-fold in contempt of Christ, that is to say who neglects the straight and level way and burrows under the threshold by sinuous twistings, or bursts through the joints of the walls, or glides down through the tiles of the roof, is clearly a thief and a robber. Secondly, one who enters while Christ Himself holds open the door, that is to say upon a call from the Church, but who afterwards in the guise of a shepherd becomes a persecutor, that is robs and slays and kills and destroys, he is an undoubted thief. I leave it to you to say in which class should be placed those who are not satisfied with the license of the divine law to shear and devour the flock, but also call upon the aid of the secular laws, and causing themselves to be appointed officials of princes, do not scruple to commit acts at which any other publican would blush. Meanwhile they serve their own pleasure or avarice, and plunder and oppress those who have elected them or admitted them to be their keepers, and they desire the death of those whom it is their duty to nourish in flesh and spirit. Truly they keep in mind the

saying of the prophet: "Lo, I have set thee over nations and over kingdoms to root up and to pull down and to scatter and to build and to plant."[23] Therefore what they have found already planted they strive to root up, in order that they may build for themselves the house of God in the form of gifts of hand or tongue or service, and in the place of those whom they have plucked up, they substitute others whom they choose out of affection of the flesh, that is to say either their own offspring or offspring which others have carnally begotten for them. Here opens wide an immense task for my pen; but I halt, sparing the points which obtrude themselves upon the public gaze. And if any one accuses me of too great harshness in what I have here said, he will easily pardon me if he reads what has been said by the fathers. For if according to both human and divine law a temporal tyrant is to be destroyed, who can suppose that it is our duty to love and cherish a tyrant in the priesthood? And if this seems too harsh a saying, I call to my defence one who spoke nought save truth and sweetness, namely blessed Gregory, who lashed these offences far more bitterly. And, to say no more, at least this one saying of his is known to all, that prelates should be aware that when they themselves sin they deserve as many deaths as they draw subjects of theirs to perdition by their example.

[23] Jer. i, x.

CHAPTER XVIII

THAT TYRANTS ARE THE MINISTERS OF GOD; AND OF WHAT A TYRANT IS; AND CONCERNING THE CHARACTERS OF GAIUS CALIGULA AND NERO HIS NEPHEW, AND OF THE DEATH OF EACH OF THEM.

I do not, however, deny that tyrants are the ministers of God, who by His just judgment has willed them to be in the place of highest authority in one sphere or the other, that is to say over souls or over bodies, to the end that by their means the wicked may be punished, and the good chastened and exercised. For the sins of a people cause a hypocrite to reign over them, and, as the Book of Kings bears witness, tyrants were brought into power over the people of Israel by the failings of the priests. For the earliest fathers and patriarchs followed nature, the best guide of life. They were succeeded by leaders, beginning with Moyses, who followed the law, and judges who ruled the people by the authority of the law; and we read that the latter were priests. At last in the anger of the Lord, they were given kings, some good, but many bad. For Samuel had grown old, and when his sons did not walk in his ways, but followed after avarice and uncleanness, the people, who perchance had deserved that such priests should be in authority over them, forced God, whom they had despised, to give them a king. And so Saul was chosen, with the aforesaid right of a king, namely that he might take their sons and make them his charioteers, and take their daughters to bake his bread and cook his food, and take their fields and lands to distribute at his pleasure among his servants, and

in short oppress the whole people under the yoke of slavery. None the less he was called the anointed of the Lord, and though practising tyranny, did not therefore lose the honor of a king. For God smote all with fear, so that they reverenced him as the minister of God and as in a sort bearing the likeness of God. I will go further; even tyrants of the gentiles, who have been damned unto death from eternity, are the ministers of God and are called the anointed of the Lord. Therefore the prophet says: "Chieftains shall enter into the gates of Babilon," [1] to wit Cirus and Darius; "for I have commanded my consecrated ones, and have summoned my mighty ones in mine anger, and them that exult in my glory." [2] Behold that He calls Medes and Persians "sanctified," not because they were holy men, but because they fulfilled the will of the Lord against Babilon. Elsewhere to the same effect: "Behold, I will bring on Nabugodonosor my servant, and because he served me well at Tyre, I will give unto him Egypt." [3]

Indeed all power is good since it is from Him from whom alone are all things and from whom cometh only good. But at times it may not be good, but rather evil, to the particular individual who exercises it or to him upon whom it is exercised, though it is good from the universal standpoint, being the act of Him who uses our ills for His own good purposes. Just as in a painting, a black or smutty color or some other such feature, looked at by itself, is ugly, and yet considered as a part of the whole painting is pleasing; so things which separately examined seem foul and evil, yet when related to the whole appear good and fair, since He adapts all things to Himself whose works are all exceeding good. Therefore even the rule of a tyrant, too, is good, although nothing is worse than tyranny. For tyranny is abuse of power entrusted by God to man. But this evil embraces a vast and varied use of things which are good. For it is

[1] See Isa. xiii, 2, 3. [2] Isa. xiii, 3. [3] Ezek. xxix, 18, 19.

clear that tyranny not only exists in the case of princes, but that every one is a tyrant who abuses power that has been conferred upon him from above over those that are subjected to him. Further, if power falls to the lot of a wise man, who knows and has the proper use of all things, it is pleasing to all good men, and of advantage to all. But if it falls to the lot of a man who is foolish, then although it cannot be really evil to the good, for whom all things work together for good, it may nevertheless be temporarily very grievous unto them. It is quite obvious that power may fall into the hands of men of either kind, though, because of the wickedness of our generation, who are continually provoking against ourselves the wrath of God, it more frequently happens that it comes into the hands of bad, that is to say of foolish, men. For what power in human history is anywhere recorded greater than that of the Roman Empire? Yet if you run through the list of its rulers from the beginning you will find that, more often than not, power was in the hands of bad men. What man was ever more abominable or monstrous than Gaius Caligula, the third successor of Augustus, except Nero, who excelled all who went before and came after him in his infamy of life and unimaginable crimes? This Caligula, a past-master in crime, so ruled or rather tortured the empire, and with that degree of cruelty, that he seemed envious of his own good fortune, and complained of the posture of affairs in his times because they were not marked by any noteworthy public calamities. For peace had been brought upon the age by the birth of Him who had come to destroy the empire of contradiction and death; and although the vastness of this peace was ascribed to Augustus, it should really be ascribed rather to Christ, who was enrolled as a Roman citizen when the census was taken during the reign of Augustus. For it is established by the truthful narrative of the Gospels and histories that in his reign was born the sole author of peace, at once God and man, Christ the son of a virgin, whose eternal ordinance has

chosen His elect for true peace and for the happiness of the kingdom of the blest, and whose advent was heralded and revealed by many signs and portents. For, as Orosius relates, after the death of Julius, when Cæsar was entering the city on his return from Apollonia, at about the third hour of the day, the sky being bright and cloudless, a circle in appearance like unto a rainbow suddenly surrounded the orb of the sun; and this is believed to have occurred on the eighth day of the Idus of January which is called the day of Epiphany, upon which day Cæsar for the first time closed the gates of Janus, all the civil wars having been at last stilled and ended, and assumed the name of Augustus, which denotes the summit of imperial authority, in token that the totality of affairs and power was now dependent upon and in the hands of a single person, which is the form of government that the Greeks call monarchy. The same historian relates that when, on his return from Sicily, after receiving the legions from Pompey and Lepidus, he had restored thirty thousand slaves to their masters, and had decreed that all former debts of the people should be remitted and all record of them destroyed; during those days a most abundant fountain of oil flowed forth all day from the booth of the merchants, thus announcing that at last there had manifestly ascended to the seat of power one who had come to subject sinners and slaves of the devil to the just dominion of God, and to take pity upon the poor. When all things were thus silent before the face of Christ and the whole world was smit with amazement at the marvellous pity of the Most High, the totality of affairs and power fell to Caligula, third in succession from Augustus. Whose ferocity, to be brief, was so great that he is reported to have exclaimed: "Would that the Roman people had only one neck!" And because there was no foreign enemy, he set out with a great and incredible train to seek for one, and coursing through Germany and Gaul with an idle display of power, he halted by the shores of the Ocean almost in sight of

Britain, and then returned to Rome, all occasion for war being lacking, and having accomplished no other business beyond receiving the surrender of Belinus, son of the king of the Britains, whom his father had banished, along with a few companions. He fell into the bitterest hostility against the Jews and ordered the profanation of the sacred places of Jerusalem and that they should be filled with idols and that he himself should be worshipped as a God. He harassed Pilate, the governor of Judea, with so much vexation that he sought a short way out of his misery by a speedy death at his own hand. His sisters, whom he had first shamefully defiled, he condemned to exile and afterwards commanded all the exiles together to be put to death. Finally he was himself slain by his own guards. Among his private papers were found two little books containing the names of the most prominent citizens, whom he had marked for death; and one was headed "by the sword," the other "by the poniard." Besides, there was found a great chest of many diverse kinds of poisons, which, having been thrown into the sea by the command of Claudius Cæsar, are said to have polluted all the waters with a multitude of dead fish which bore witness to their deadly character. Caligula was succeeded by his nephew Nero, after the intervening reign of Claudius; and he was a worthy successor to his wealth and his vices, surpassing him in both, and practising capriciousness, lust, rankness, avarice and cruelty to the last degree of wickedness. For on the testimony of Orosius,[4] he conceived the whim of making a circuit of almost all the theaters of Greece and Italy, and disgracing himself to the point of donning their motley attire, was often seen to excel cornet-players, lute-players, tragedians and charioteers. Besides, he was the prey of such furious lust that it is said that he did not refrain from his own mother and sister or respect any tie of kinship, finally taking a man for his wife, and being him-

[4] Oros. vii, 7, §§ 1 ff.

self accepted as the wife of a man. His extravagance was so unbridled that he fished with golden nets and purple twine; bathed in hot and cold unguents; never wore the same garment twice, and is said never to have travelled with less than a thousand carriages. At last he made a bonfire of the city of Rome as a spectacle for his pleasure; for six days and seven nights the blazing city delighted and terrified the eyes of the king. The warehouses built of squared stones and the great "islands" of the ancients, which the ravenous flames could not touch, were broken down and fired by the great engines which had been formerly prepared for foreign war, the unhappy people being forced to find lodging in the tombs and mansions of the dead. Meanwhile he watched the spectacle from the top of the tower of Mecenas, and rejoicing, as he said, in the beauty of the flames, declaimed in the garb of a tragedian the ode of Heleifeles, and chanted the ritualistic hymns of the city in which the splendor of the sun is celebrated. Moreover his avarice was so headlong and violent that after this conflagration of the city, which Augustus had boasted that he had changed from brick to marble, he would permit none of the owners to approach the ruins of their property. Everything which had in any way escaped the flames, he carried off for himself; he commanded the Senate to confer upon him ten million sesterces annually; most of the senators he despoiled of their property for no cause whatever: on a single day by the application of torture he wrung from all the merchants their entire fortune. His cruelty was so mad and furious that he put to death the greater part of the Senate and almost annihilated the equestrian order. He did not even stop short of parricide; his mother, his brother, his sister, his wife and all his other relatives and connections he destroyed without hesitation. This mountain of crime was augmented by his rash impiety against God. For he was the first at Rome to condemn the Christians to torture and death, and throughout all the provinces commanded them to suffer under the same

persecution. In this attempt to exterminate the very name itself, he put to death the most blessed apostles of Christ, Peter by the cross, Paul by the sword. Shortly thereafter the stricken city was visited by the most cruel calamities coming from every side. For in the following autumn so great a pestilence settled upon Rome that thirty thousand corpses went to swell the account of Libiciniana. Hard upon this occurred a military disaster in Britain, in which the two chief towns were captured with great loss and slaughter of citizens and allies. Then in the East the great provinces of Armenia were lost, the Roman legions were sent under the yoke by the Parthians, and Siria was hardly saved. In Asia three cities, namely Laodicie, Ierapolis and Colose, were destroyed by an earthquake. Thus in substance Orosius; whose words and matter I use the more readily since I know that as a Christian, and a disciple of the great Augustine, he searched diligently for the truth because of his devotion to our religion and faith. The same facts can be found set forth at greater length by other historical writers as well, who describe in greater detail the cruelties of tyrants and the wretched ends they came to. And if anyone should desire to investigate this matter more fully, let him read what Trogus Pompeius, Josephus, Egesippus, Suetonius, Quintus Curtius, Cornelius Tacitus, Titus Livius, Serenus and Tranquillus and other historians, whom it would be too long to enumerate, have included in their narratives. From which it will readily appear that it has always been lawful to flatter tyrants and to deceive them, and that it has always been an honorable thing to slay them if they can be curbed in no other way. I am not now talking of tyrants in private life, but of those who oppress the commonwealth. For private tyrants can easily be restrained by the public laws which are binding upon the lives of all; but in the case of a priest, even though he acts the tyrant, it is not lawful to employ the material sword against him because of the reverence due to sacred things, unless perchance

after he has been unfrocked, he lifts a bloody hand against the Church of God; since the rule always prevails that there ought not to be double punishment of one man for the same offence. It does not seem beside the point to illustrate what has been said by a few examples.

CHAPTER XIX

OF THE DEATH OF JULIUS CÆSAR AND OTHER GENTILE TYRANTS.

First of all there comes to mind the House of Cæsar, than which the world recalls none more mighty nor more glorious in any age. Truly Julius, the first Cæsar, won the world by the force of his prudence and military skill,—a man of the fewest, and whose exact like the nature of mortal men has never again produced. For though Cicero in one passage accuses him of delighting in wrong-doing beyond all pretence of utility or decency, and to the point of actually rejoicing in sin, nevertheless the same author elsewhere extols him with the highest praise as a gift of the gods bestowed upon the Roman empire and tempered with all the virtues, and as a man who knew not how to be exalted by prosperity nor broken by misfortune, high-spirited without cruelty, magnificent in his projects without a touch of rashness. For although, had he been any other man, he might be thought rash, yet Cæsar should not be deemed so, since through the ever favoring aid of the gods his desires never exceeded his power. No one ever found Cæsar cruel save the proud rebel; though provoked by wrongs, he was always ready to pardon; those whom he conquered by force he surpassed in prudence. His very errors seemed to hope for and aspire toward justice; which can be inferred from the fact that he wished no moment of his time to be without philosophy. To all these things Orosius seems in part to assent. For in Egypt when a great number of his troops had fallen, and he himself, as Lucan tells, was compelled to look to Scaeva, who, standing out among the followers of Cæsar for his exceptional valor,

"Hemmed in with walls Great Pompey who trampled down walls,"[1]

Cæsar, hard-pressed by the onrush of the advancing Egyptians, boarded a skiff, which being soon overburdened and sunk by the press of those who followed after him, he reached safety by swimming a thousand feet to his ship, holding high out of the water the hand in which he carried his papers. None the less this man, because he had seized the commonwealth by arms, was reputed a tyrant, and with the consent of a great part of the Senate, was done to death with drawn daggers in the Capitol. But even then he was mindful of the requirements of honor; and when he saw that they were seeking him with their daggers drawn, he veiled his head with his toga and with his left hand drew down its folds that he might fall the more honorably.

His successor Augustus, most fortunate of all men, was forbidden under threat of punishment to call himself lord, and, bearing himself as a citizen, refrained from the acts and outward marks of tyranny. Tiberius, third in line from Julius, died by poison; whose death so delighted the populace that they prayed to mother earth and the gods of the underworld to make no room for his shade save among the impious. And, although the use of poison has always been detestable, yet the poison whereby this man was cut off has been thought to have given life to the world. It was regarded as a certain sign of poison that when his body had been cremated his heart was found unconsumed among his bones. For it is thought to be a fact of nature that what has been steeped in poison cannot be consumed by fire.

The third tyrant, Gaius Caligula, was slain by his attendants. Tiberius Claudius, fifth in line from Julius, although he avoided tyranny, came to his end, like the other Tiberius, with unmistakable signs of poison. Nero, the sixth from Julius and the

[1] Luc., *Phars.* x, 543–546.

most monstrous and disgusting of all, had the following end. After he had been offended by the ugliness of the old buildings and the narrowness and crookedness of the streets, and therefore burned down the city, as has been told above, all the people turned from him, as Suetonius Tranquillus relates, and when on entering his chamber he looked about for an assassin and found none, for everyone had departed, "Well then," he said, "have I neither a friend nor an enemy?" Later, shortly before he stabbed himself, he bade a grave to be dug in his presence to fit the size of his body, and that there should be placed in it such bits of marble as could be found and that water and wood should be collected for embalming his corpse, and at each step in the preparations he wept and repeated again and again, "In my death what an artist perishes!" When he heard that he had been condemned by the Senate to torture, he asked what the nature of it was. And when he had learned that he was to be stripped naked and his neck inserted into a fork and his body beaten with rods until he was dead, he seized in terror two daggers which he had brought away with him, and trying the edge of each, hid them again, pleading that it was not yet the fatal hour. And at one moment he urged Sporus to begin a lament, and at the next begged that some one would give him courage to die by dying with him as an example. And meanwhile from time to time he upbraided his own cowardice in these words, "I live foully, I die shamefully." And now the horsemen were already drawing near who were commanded to bring him away alive. When he perceived this, he drove the steel into his throat, and in him there thus came to an end the whole House of the Cæsars. But that none may suppose that the law which permits such action against tyrants applies only to that family, Vitellius, the ninth in line from Julius (Galba and Otho having intervened between Nero and Vitellius), was shamefully dragged forth from the cubbyhole in which he had hid himself, and after being led naked along the Via Sacra with

the crowd everywhere throwing dung at his face, was torn into minute fragments by the Roman People at the Gemonian stairs, and then dragged by a hook into the Tiber.

Domitian, twelfth in line (Vespasian and Titus having intervened), was cruelly slain by his attendants after a long and bloody tyranny. This prince acted with unusual clemency toward the Christians for a reason which I shall briefly explain on the authority of Eusebius of Cæsarea; whose words are as follows, in his third book, and eighteenth chapter: "After Domitian had ordered that all should be put to death who were descended from the race and royal stock of David, as old tradition has it, certain men were reported to him as being of the posterity of Jude, who is said to have been the brother of our Saviour according to the flesh. Thus there was a double ground of hostility against them, as being of the race of David and also as being near relatives of Christ. What followed, Egesippus relates in the following words: Now there were still alive at that time certain men of the family of our Lord after the flesh, who were grandsons of that Jude who is said to have been a brother of our Lord according to the flesh; who were reported by informers as coming of the stock of David. A certain Revocatus, being sent for the purpose, brought these men before Cæsar Domitian. For he was in fear of the coming of Christ, as Herod had been at the beginning. Being asked, therefore, by Domitian whether they were of the family of David, they confessed it. Then he asked them of what property or other means they were possessed. They replied that their combined property did not exceed nine thousand denarii, of which half of the share of each was owed for indebtedness. And that this property was not in the form of money, but was the estimated value of land consisting of thirty-nine acres, which they tilled with their own hands and upon which they depended to support themselves and pay their tribute. And at this they showed their hands, hard and calloused from labor, as evidence of their daily toil and

husbandry. Being then asked concerning Christ and what was the nature of His Kingdom, and who He was, and whence and when He was to come, they replied that His Kingdom was not of this world, nor was an earthly empire designed for Him, but that a heavenly empire was in preparation for Him through the ministry of the angels; at which time He shall come in glory to judge of the quick and the dead, and to reward each man according to the measure of his deeds and merits. Whereupon Domitian, finding no offence in them and despising utterly their poverty and humble station, bade them go free."

So much from the authors whom I have named; from which it is clear that it was not from mercy, as beseems a prince, but rather from impious pride that he restrained the fury of his cruelty in the case of some of the faithful. If a royal race was thus reduced to such a pitiful handful, and to such utter poverty, that during the reign of Domitian scarcely two of the stock of David could be found, what man has any grounds to hope for perpetuity for himself in those who are begotten of his flesh and blood? And because Domitian sought the destruction of the Church of God and indeed of the whole empire, he experienced the same judgment of God upon himself, and was himself destroyed; and his corpse was borne away on a cheap stretcher by grave-diggers of the night and buried most ignominiously.

His successor Nerva revoked and invalidated all his acts, and after a reign which entitled him to be numbered among legitimate princes rather than among tyrants, died of disease, having adopted Trajan as his successor; who ruled with such moderation that, as Augustus is considered to have been the most fortunate, so Trajan has long been regarded as the best of the emperors, and died, it is said, at Seleucia, a city of Isauria, of a hemorrhage of the stomach. He was succeeded by Helius Adrianus, the father of his country, who governed the commonwealth by most just laws, and when the Jews were stirred up by

their own wickedness to burst into Palestine, subdued them with great slaughter, and avenged the Christians, whom they were sorely harassing, and decreed that no Jew should thenceforth be allowed to enter Jerusalem, giving the city solely to the Christians; and he repaired the walls and restored it to excellent condition, and commanded that it should be called Helia, from his own first name.

Antonius, surnamed the Pius, governed the empire peacefully and piously, succeeding Adrian together with his children, and deservedly was he called "pious" and "father of his country," and, at the intercession of the philosopher Justin, showed himself kind and well disposed toward the Christians. Marcus Antoninus Verus with his brother Aurelius Comodus succeeded Pius as emperor. Aurelius died of suffocation brought on by an attack of the disease which the Greeks call apoplexy; and after his death, his brother ruled the commonwealth alone, a man whom it is easier to marvel at than fitly to praise, if we believe Eutropius. From the beginning of his life he was of so calm and constant a temper that from infancy his countenance never altered either with joy or grief. He was taught philosophy according to the school of the Stoics and gave himself up to it completely, a philosopher alike in his life and his learning. He was instructed in philosophy by Apollonius of Calcedon, in the knowledge of Greek letters by Cheronesses the grandson of Plutarch, and in Latin literature by the noble orator Fronto, who is also supposed by some to have been a grandson of Plutarch. In the midst of all this he conducted a war which in magnitude can be compared with the Punic wars. And although through the prayers of Christian soldiers he brought his great wars to a successful conclusion, as the same emperor is said to have borne witness in his own letters, yet there broke out in his time a grievous persecution of them, and many of the saints were crowned with martydom. Finally, after he had associated his son Lucius Comodus in the government of the empire, he

died of a sudden illness at a place where he had halted in Pannonia.

Lucius Antonius Comodus, the fifteenth in line from Augustus, was a man depraved by all the infamous vices of cruelty, lust and obscenity, often took part in gladiatorial combats, and frequently fought with beasts in the amphitheater. He also put to death many senators, especially those whom he observed to excel in nobility and industry. The city paid the penalty of the outrages of the king; the Capitol was struck by lightning, which ignited the great library that had been collected by the painstaking care of previous generations, and with the rapidity of a whirlwind burned to the ground the other buildings located in the neighborhood. In spite of this it is said that it was blessed Gregory who burned the library of profane writings that there might be more ample room for the Holy Scriptures, and that their authority might be enhanced and their study more diligently pursued. The two stories are in no way incompatible, however, since the thing might have happened twice at different times.

As for Comodus, he incommoded every one, and was finally murdered in the House of the Vestals, having already during his life-time been adjudged an enemy of the human race. And this is perhaps the best and fittest description of a tyrant and the one which explains the real significance of the name. Therefore, as it is lawful to kill a condemned enemy, so it is to kill a tyrant.

Let it not be regarded as impairing the truth of this summary that I have left out of account such emperors as Galba and Otho and their like. For our attention is not now directed to the question of the names or number of the emperors, but toward seeing how the mercy of God quelled or curbed the tyranny of all of them; for God, when He so desires, in accordance with the decree of justice applies the scourge to punish offenders, and again, when He so desires, admits to pardon those whom He has made penitent.

I had determined to end at this point, and to turn from the Roman to other histories; but since in the catalogue of the emperors there occurs one from whom my own people take their name, to wit Severus, who practiced cruel tyranny against the name of Christ, I will add him, and him alone, to my list, that I may not seem out of leniency to spare the city of Severus, my own Salisbury. But verily this profane persecution of the Christians and the Church was followed by speedy vengeance from Heaven. For straightway there broke out civil wars, in which great quantities of Roman blood were spilled. This man, an African by race, a native of Tripoli from the town of Leptis, cruel by nature, living under the provocation of frequent wars, ruled the commonwealth harshly yet with the greatest industry. He fought with many nations to the end that he might triumph over many. He vanquished and put to death Pescenninus Niger who aspired to the tyranny; the Jews and Samaritans, when they revolted, he reduced by the sword; he defeated the Parthians, the Arabs, and the Adiabeni. Such was Severus, conqueror of nations, who was summoned to Britain by the defection of almost all the allies here, and, after fighting many severe battles, recovered a part of the island, which he took care to mark off from the other unconquered tribes by a wall. And so he built that great foss and rampart of the solidest masonry, surmounted by frequent towers, which ran for one hundred and twenty-two miles from sea to sea. And then, as Orosius and other historians relate, he died of disease at the town of York. For truly Britain has ever had a horror of poison, and has never known how to employ her unconquered sword against her princes, but only in their defence. And the aforesaid town has grown with the passage of time to that pitch of power and bravery that it can dare compare itself today with the cities of antiquity; and this fortune has come to it through being the burial place of so great an emperor. But as for Severus himself, it is clear that after the manner of the gentiles and with

heathen depravity he practiced tyranny against the Christians and paid the penalty of his wickedness. For no one from the beginning of the centuries has borne himself as the likeness of the apostate angel without becoming a partaker of his damnation and utter confusion.

CHAPTER XX

THAT BY THE AUTHORITY OF THE DIVINE PAGE IT IS A LAWFUL AND GLORIOUS ACT TO SLAY PUBLIC TYRANTS, PROVIDED THAT THE SLAYER IS NOT BOUND BY FEALTY TO THE TYRANT, OR DOES NOT FOR SOME OTHER REASON SACRIFICE JUSTICE AND HONOR THEREBY.

It would be a long and tedious task if I wished to bring down to our own times the series of gentile tyrants; a man with only one life will hardly be able to recall the list, for it eludes the mind and overpowers the tongue. My opinions on the subject of tyrants are, however, set forth more fully in my little work entitled "Of the Ends of Tyrants,"[1] a brief manual wherein I have carefully sought to avoid the tedium of prolixity and the obscurity of too great compression. But lest the authority of Roman history be held in small account because it has for the most part been written by infidels concerning infidels, let its lesson be confirmed by examples drawn from sacred and Christian history. For it is everywhere obvious that, in the words of Valerius, only that power is secure in the long run which places bounds to its own exercise. And surely nought is so splendid or so magnificent that it does not need to be tempered by moderation. The earliest tyrant whom the divine page brings before us is Nembroth, the mighty hunter before the Lord (who is also called Ninus in some histories, although this does not agree with the proper reckoning of dates); and I have already said above that he was a reprobate.

[1] This work of John of Salisbury is not known to be extant.

For verily he desired to be lord in his own right and not under God, and it was in his time that the attempt to raise a tower to Heaven was made by frail mortality, destined in their blindness to be overthrown and scattered in confusion. Let us, therefore, advance to him who was set over the people by the divine choice, which deserted him when he gave himself up to a wicked desire of ruling rather than of reigning, and in the end he was so utterly overthrown that in the anguish of his suffering he was compelled to put an end to himself. For a right and wholesome assumption of the royal office is of no avail, or only of very little, if the later life of the ruler is at variance therewith, nor does a judge look wholly to the origin of things, but makes his judgment to depend upon their outcome and ending.

The well-known narrative of the Books of Kings and Chronicles shows, according to the authority of Jerome,[2] that Israel was oppressed by tyrants from the beginning and that Juda had none but wicked kings save only David, Josiah and Ezechiah. Yet I can easily believe that Salomon and perhaps some of the others in Juda recovered when God recalled them to the true way. And I will be readily persuaded that tyrants instead of legitimate princes were rightly deserved by a stiff-necked and stubborn people who always resisted the Holy Spirit, and by their gentile abominations provoked to wrath not Moyses only, the servant of the law, but God Himself, the Lord of the law. For tyrants are demanded, introduced, and raised to power by sin, and are excluded, blotted out, and destroyed by repentance. And even before the time of their kings, as the Book of Judges relates, the children of Israel were time without number in bondage to tyrants, being visited with affliction on many different occasions in accordance with the dispensation of God, and then often, when they cried aloud to the Lord, they were delivered. And when the allotted time of their

[2] *In Ierem.* xxii, 14, Migne, *P. L.*, t. xxiv, 811.

punishment was fulfilled, they were allowed to cast off the yoke from their necks by the slaughter of their tyrants; nor is blame attached to any of those by whose valor a penitent and humbled people was thus set free, but their memory is preserved in affection by posterity as servants of the Lord. This is clear from the subjoined examples.

"The people of Israel were in bondage to Eglon the king of Moab for eighteen years; and then they cried aloud to God, who raised up for them a saviour called Aoth, the famous son of Iera, the son of Gemini, who used both hands with the same skill as the right hand. And the children of Israel sent presents to Eglon, the king of Moab, by him; and he made for himself a two-edged sword having in the midst a haft of the length of the palm of the hand, and girded himself therewith beneath his cloak on his right thigh, and presented the gifts to Eglon, the king of Moab. Now Eglon was exceeding fat; and when he had made an end of presenting the gifts, he went away after his companions who had come with him. But he himself turned back from Gilgal where the idols were, and said to the king, 'I have a secret word for thy ear, O king.' And the king commanded silence. And all that were about him having gone forth, Aoth came unto him. And he was sitting alone in a cool upper room. And Aoth said, 'I have a word from God unto thee.' And the king forthwith rose up from his throne. And Aoth put forth his left hand and took the dagger from his right thigh, and thrust it into his belly with such force that the haft also went into the wound after the blade, and the fat closed over it. And he did not draw out the sword, but left it in the body where it had entered. And straightway by nature's secret passages, the excrements of his belly burst forth. But Aoth closed the doors carefully, and fastened them with the bolt and departed by a postern." [3]

[3] Judges iii, 14–24.

And elsewhere, "Sisara, fleeing, came to the tent of Jael the wife of Abner Cinei. For there was peace between Jabin the king of Asor and the house of Abner Cinei. Therefore, Jael went forth to meet Sisara and said unto him, 'Come in to me, my lord, come in and fear not.' And he, having entered her tent and been covered by her with a cloak, said to her, 'Give me, I pray thee, a little water because I thirst greatly.' And she opened a skin of milk, and gave him to drink, and covered him. And Sisara said to her, 'Stand before the door of the tent and when any shall come inquiring of thee and shall say "Is there any man here?" thou shalt say, "No, there is none."' Then Jael, the wife of Abner, took a nail of the tent, and took likewise a hammer. And entering softly and silently, she put the nail upon the temple of his head, and striking it with the hammer, drove it through his brain fast into the ground. And thus passing from sleep into death he fainted away, and died."[4] Did she thereby win the praise or the censure of posterity? "Blessed among women shall be Jael the wife of Abner Cinei," says the Scripture, "and blessed shall she be in her tent. He asked for water, and she gave him milk and offered him butter in a princely dish. She put her left-hand to the nail, and her right-hand to the workmen's hammer, and she smote Sisara, seeking in his head a place for a wound, and piercing his temple forcefully."[5]

Let me prove by another story that it is just for public tyrants to be killed and the people thus set free for the service of God. This story shows that even priests of God repute the killing of tyrants as a pious act, and if it appears to wear the semblance of treachery, they say that it is consecrated to the Lord by a holy mystery. Thus Holofernes fell a victim not to the valor of the enemy but to his own vices by means of a sword in the hands of a woman; and he who had been terrible

[4] Judges iv, 17–21.

[5] Judges v, 24–26.

to strong men was vanquished by luxury and drink, and slain by a woman.] Nor would the woman have gained access to the tyrant had she not piously dissimulated her hostile intention. For that is not treachery which serves the cause of the faith and fights in behalf of charity. For verily it was due to the woman's faith that she upbraided the priests because they had set a time-limit upon the divine mercy by agreeing with the enemy that they would surrender themselves and deliver up the city if the Lord should not come to their aid within five days. Likewise it was because of her charity that she shrank from no perils so long as she might deliver her brethren and the people of the Lord from the enemy. For this is shown by her words as she went forth to save them: "Bring to pass, Lord," she prayed, "that by his own sword his pride may be cut off, and that he may be caught in the net of his own eyes turned upon me, and do Thou destroy him, through the lips of my charity. Grant to me constancy of soul that I may despise him, and fortitude that I may destroy him. For it will be a glorious monument of Thy name when the hand of a woman shall strike him down."[6] "Then she called her maid, and, going down into her house, she took off her hair-cloth from her, and put away the garments of her widowhood, and bathed her body and anointed herself with the finest myrrh, and parted the hair of her head, and placed a mitre upon her head, and clothed herself with garments of gladness, binding sandals upon her feet, and donned her bracelets and lillies and ear-rings and finger-rings, and adorned herself with all her ornaments. And the Lord gave her more beauty because all this toilet was for the sake of virtue and not of lust. And therefore the Lord increased her beauty so that she appeared to the eyes of all men lovely beyond compare."[7] And thus arriving at her destination, and captivating the public enemy, "Judith spake unto

[6] Judith ix, 12–15.

[7] Judith x, 2–4.

Holofernes, saying: 'Receive the words of thy handmaid, for if thou wilt follow them, God will do a perfected work with thee. For Nebugodonosor, the king of the earth, liveth, and thy virtue liveth, which is in thee for the correction of all erring souls, since not men alone, but also the beasts of the field serve him through thee, and obey him. For the strength and industry of thy mind is heralded abroad to all the nations, and it has been told to the whole age that thou alone art mighty and good in all his kingdom, and thy discipline is preached to all nations.'" [8] And in addition she said, "I will come and tell all things to thee, so that I may bring thee through the midst of Jerusalem, and thou shalt have all the people of Israel as sheep that have no shepherd; and not a single dog shall bark against thee, because these things are told to me by the providence of God." [9] What more insidious scheme, I ask you, could have been devised, what could have been said that would have been more seductive than this bestowal of mystic counsel? And so Holofernes said: "There is not another such woman upon the earth in look, in beauty, or in the sense of her words." [10] For his heart was sorely smitten and burned with desire of her. Then he said, "Drink now and lay thee down for jollity since thou hast found favor in my sight." [11] But she who had not come to wanton, used a borrowed wantonness as the instrument of her devotion and courage. And his cruelty she first lulled asleep by her blandishments, and then with the weapons of affection she slew him to deliver her people. Therefore she struck Holofernes upon the neck, and cut off his head, and handed it to her maid that it might be placed in a wallet to be carried back into the city which had been saved by the hand of a woman.

The histories teach, however, that none should undertake the

[8] Judith xi, 4–6. [9] Judith xi, 15–16.
[10] Judith xi, 19. [11] Judith xii, 17.

death of a tyrant who is bound to him by an oath or by the obligation of fealty. For we read that Sedechias, because he disregarded the sacred obligation of fealty, was led into captivity; and that in the case of another of the kings of Juda whose name escapes my memory, his eyes were plucked out because, falling into faithlessness, he did not keep before his sight God, to whom the oath is taken; since sureties for good behavior are justly given even to a tyrant.

But as for the use of poison, although I see it sometimes wrongfully adopted by infidels, I do not read that it is ever permitted by any law. Not that I do not believe that tyrants ought to be removed from our midst, but it should be done without loss of religion and honor. For David, the best of all kings that I have read of, and who, save in the incident of Urias Etheus, walked blamelessly in all things, although he had to endure the most grievous tyrant, and although he often had an opportunity of destroying him, yet preferred to spare him, trusting in the mercy of God, within whose power it was to set him free without sin. He therefore determined to abide in patience until the tyrant should either suffer a change of heart and be visited by God with return of charity, or else should fall in battle, or otherwise meet his end by the just judgment of God. How great was his patience can be discerned from the fact that when he had cut off the edge of Saul's robe in the cave, and again when, having entered the camp by night, he rebuked the negligence of the sentinels, in both cases he compelled the king to confess that David was acting the juster part. And surely the method of destroying tyrants which is the most useful and the safest, is for those who are oppressed to take refuge humbly in the protection of God's mercy, and lifting up undefiled hands to the Lord, to pray devoutly that the scourge wherewith they are afflicted may be turned aside from them. For the sins of transgressors are the strength of tyrants. Wherefore Achior, the captain of all the children of Amon,

gave this most wholesome counsel to Holofernes: "Inquire diligently, my lord," said he, "whether there be any iniquity of the people in the sight of their God, and then let us go up to them, because their God will abandon them and deliver them to thee, and they shall be subdued beneath the yoke of thy power. But if there be no offence of this people in the sight of their God, we shall not be able to withstand them, because their God will defend them, and we shall be exposed to the reproach and scorn of all the earth." [12]

[12] Judith v, 5, 24–25.

CHAPTER XXI

THAT ALL TYRANTS COME TO A BAD END; AND THAT GOD WILL PUNISH THEM IF THE HAND OF MAN SHOULD FAIL, AND THAT THIS IS SHOWN IN THE CASE OF JULIAN THE APOSTATE AND MANY EXAMPLES FROM THE SACRED SCRIPTURES.

Thus the end of tyrants is confusion, leading to destruction if they persist in malice, to pardon if they return into the way of righteousness. For there is prepared a great fire wherewith to consume the scourge after the Father has employed it for the correction of His children. And it is written, "Acab has humbled himself before my face; therefore will I not bring evil in his days."[1] But Jezebel, who persisted in cruelty, paid the penalty therefor in the merited cruelty of her end, giving her blood to be lapped up by dogs in the place where dogs had lapped up the blood of innocent Naboth. But if the blood of innocent Naboth was thus required at her hands, will not the blood of so many other innocent victims also be required? Her unrighteousness coveted the vineyard of a just man, and as the price thereof she lost her rights to a whole kingdom. Thus wickedness is always punished by the Lord; but sometimes it is His own, and at others it is a human hand, which He employs as a weapon wherewith to administer punishment to the unrighteous.

Pharao oppressed the people of God, and God scourged him, as we read in Exodus, with the most grievous plagues. That these may be briefly kept in mind with greater accuracy, I insert a metrical list of them:

[1] I Kings xxi, 29.

First a blood-red flood and second a slimy plague of frogs.
Then the miserable louse and afterward the fly more harmful than the louse.
Fifth the destruction of cattle, sixth the swelling of boils;
Next followed hail, after that the locust with destructive tooth;
For the ninth, the sun was veiled in darkness, the last destroyed the first-born.

I am not interested in the question of the authorship of these lines, but solely in the point that they include in the briefest compass all the plagues of Egypt in the time of Pharao. But in spite of them all, his anger was not turned aside from the people of God, but after their departure he pursued them with his chariots and horsemen, with whom he was drowned in the sea. For the Lord employed the waters as a wall of protection for the people, and as a weapon of offence for the overthrow of the tyrant. Again during the reign of Ezechias, Salmanasar oppressed the people of God, and the king, taking refuge in prayer, opposed the shield of the divine protection against the threats of the tyrant. Wherefore the Lord comforted him through the mouth of the prophet, saying: "He shall not enter into this city, nor shoot an arrow into it, neither shall he come before it with shield, nor cast a trench around it. He shall return by the way that he came, and he shall not enter into this city, saith the Lord. And I will defend this city and will save it for mine own sake and for the sake of my servant David."[2] And it was done accordingly on that very night. For there came an angel of the Lord and smote in the camp of the Assyrians an hundred and eighty-five thousand; and when the king had risen at dawn, he saw all the bodies of the dead, and he departed and went away. And Sennacherib, the king of the Assyrians, returned and dwelt at Nineve. And while he was worshipping in the temple of Nesarach his God, his sons Adramelech and Sarasar struck him dead with a sword, and

[2] II Kings xix, 32–34.

escaped into the land of the Armenians; and Eseradon his son reigned in his stead. And let it cause no wonder if the king of whom we have been speaking is called by different names in different histories, because according to the Hebrew tradition, as Jerome tells, he had five names. For he was called Salmanasar and Sennacherib and Phul and Teglad Phalasar and Sargon. For if we do not hold that he thus had a number of names, then the authority of the historians will be weakened because of their differences and contradictions. In this instance therefore the Lord employed first the sword of the angel against the army of the wicked king, and afterwards against the king himself He used the hands of his own sons.

Nature herself is at times struck with amazement at the vengeance of the Most High, and is subservient in marvellous fashion to the laws of her Creator when provoked by the wickedness of men. Hence it is that Nabugodonosor, becoming swollen with pride against the Lord, was required for seven years to live the life of a beast, and then repenting, was turned again into a man and restored to his kingdom and fortune, although afterwards he deserved to be once more deprived of them by a most miserable death.

I pass to Christian times, since among every nation and people the harmfulness of tyrants is manifested and their punishment is evident. The emperor Julian, the vile and filthy apostate, persecuted the Christians rather by guile than by the open use of force, yet he did not refrain from force. For under him arose the most grievous persecution of the Christians, and he sought by his impious attempt to blot out the very name of the Galilean, as he called Him. But while he was leading an ill-fated expedition against the Parthians, and on his return was offering up the slaughter of the Christians as a sacrifice to idols, God took pity upon the prayers of the great Basil and others of the saints, and appointed as his instrument the martyr Mercurius, who, at the command of the Blessed Virgin, pierced

the tyrant in his camp with a lance, and compelled the impious wretch as he was dying to confess that the Galilean, namely Christ, whom he persecuted, was victor and had triumphed over him. For when the aforesaid bishop had gathered together the faithful of Cæsarea, in the church of the ever Virgin, the Mother of God, to watch out the night in prayer, on that same night the saint recognized the Blessed Virgin herself in a vision and received consolation in this wise: "Call to me," said she, "Mercurius, and he shall depart to slay Julian, who proudly blasphemes against my Son and God." Then the saint, taking his armor, went away swiftly, and she who had appeared to the great Basil, calling him to her, gave to him a book having in history all the creation of the world, and, on the right hand, the formation of man by God. In the beginning of the book was the superscription, "Speak," and at the end, after the creation of man, the word "Spare." And then, taking up the book, he read from the beginning to the word "Spare." On the same night, a similar vision was seen by Libanius, the questor of Julian on his expedition. Basil, returning to the place of martyrdom of blessed Mercurius on that night, did not find the arms of Mercurius, but found them on the following day, and the lance was still gory with fresh blood. Orosius, however, makes no mention of the martyr Mercurius, but merely relates that on the expedition against the Parthians the life of the tyrant was taken by a soldier who lay in wait for him. Eutropius also, who summarizes Roman history in an admirable handbook, says only that he was killed in the camp, but does not name the author of his death; but it is generally agreed that he was greatly injured by the persecution which according to the same author he carried on immoderately against the Christians. But the Tripartite History traces in greater detail the crimes of Julian, and the entire sixth book thereof is devoted to describing the enormities wherewith he persecuted Christ, whom he called the Galilean. From which I will insert in

praise of the Galilean several short extracts culled from that which, on the authority of Cassiodorus, has been written concerning this emperor by Socrates, Theodoritus, and Sozomen.

Julian, then, was sprung of royal blood, being through Constantius the nephew of Constantine the Great, who called Bisantium Constantinople after his own name. He was at first a Christian, and growing up in the schools of the city of Constantinople, was educated in the Basilica where the learned doctors were, and wore the garb of a person of private station. He had a tutor named Marconius and studied grammar with Niclodes the Laconian. He also read rhetoric with the sophist Eubolius, who had by now become a Christian through the efforts and care of the great Basil; for the emperor saw to it that he should not deviate into the dogmas of infidelity by studying with a pagan sophist. He progressed so well that rumor attributed to him the ability to govern the empire. Wherefore coming under the suspicion of the emperor, he was ordered to absent himself from the imperial city, and being sent to Nicomedia, he was bidden not to consort with Libanius, the Sirian sophist, who was a pagan, and was sojourning there after his expulsion by the tutors of Constantinople. Nevertheless, he used much to read in his books, and becoming proficient in rhetoric, he entered into familiar relations with Maximus, the Ephesian philosopher, whom later the emperor Valentinian caused to be put to death for practising magic arts. After he had tasted philosophic terminology through the latter's means, he commenced to imitate his religion also, and was more and more inflamed with ambition for the empire. But fearing the emperor, and seeking to avoid suspicion, he had his head shaven and made pretence of the monastic life, acting the traitor in the garb of a Christian, and was ordained a reader in the church of Nicomedia, thus averting the wrath of the emperor. In public he read the sacred books of the Christians and in private practised himself in philosophy, his ambition for empire growing

ever the while; wherefore he would say to his friends that happy would be the times wherein he would be master of imperial power. And indeed he would not have escaped the heavy hand of the emperor, had not the empress Eusebia, finding him one day as he lurked in hiding, and interceding for him, obtained for him the favor of being sent to Athens to study philosophy. Theodoritus relates that, sallying forth from there, he quested over all Greece for sooth-sayers, inquiring of them whether he should ever attain to the imperial throne. And finding a man who professed himself most potent in magic, he was introduced by him into the place of idols that he might in person consult the demons conjured up by the mage. And when they solemnly appeared, Julian was compelled to make upon his forehead the sign of the cross; whereat the demons suddenly vanished. The mage therefore began to reprove Julian; but the latter, pretending fear, said that he was amazed at the power of the cross, because at this sign the demons fled. "Do not suppose, my good man," said the mage, "that they fled for fear, as you say, but rather they departed because they abominate this sign." And thus deceiving the poor wretch, he filled Julian with hatred for the mark of a Christian. After this, as Socrates informs us, the emperor, summoning Julian, appointed him Cæsar, and giving him his sister Constantia to wife, sent him to Gaul to fight against the barbarians.

Fortune favored him, and he commenced to vanquish the barbarians, which won for him the love of the soldiers. It is said that after he had entered a certain city, a laurel wreath of the kind wherewith cities are wont to be decorated fell from its place among the columns through the breaking of the cord whereby it hung, and lighting on the head of Julian, crowned him most aptly. Whereat all cried aloud that it was a sign that he would be emperor. Thereafter, when he joined battle with the enemy, he met with such good fortune that his soldiers hailed him Augustus. And since no crown im-

perial was at hand, one of his standard-bearers placed about his head a necklace which he had; and in this manner Julian was made emperor.

Let the later deeds of that philosopher be judged by those who hear them related. For first of all he disposed all things according to his arbitrary will and caprice, and cast off all pretence of the Christian religion, and opening the temples of city after city, he sacrificed to idols, saying that he was chief-priest of the pagans. He would have rent the empire with civil war, had not the death of the emperor Constantius been announced to him as he was sojourning in Thrace. To win for himself the favor of the multitude, he granted to all the right of choosing every man for himself the religion that he pleased. Hereby he hoped to become all things to all men. By turns he was generous for the sake of vainglory, and frugal with an affected pretence of philosophy. At times he was courteous with spurious politeness, and again grave with the weight of empire, and what was most important of all, he assumed a false and deceitful mercifulness in order that he might not be thought cruel. However, what manner of man he really was, was shown by his religion. He bade the bishops to be summoned and deported into exile and their goods rendered up unto him and confiscated. He also commanded his followers to open the temples of the pagans with all haste, and he ordered that what had been carried away from them should be restored without delay. He expelled from the palace the eunuchs, barbers, and cooks; the eunuchs because his wife had died, after which he did not marry another; the cooks because after the fashion of a philosopher he affected simple food; the barbers because, as he said, one sufficed for many. He bestowed high honor upon authors and the teachers of the learned arts, but most of all upon philosophers. His reputation drew swarms of men of this kind to the palace from every direction, all wrapped in cloaks, and proclaiming their profession rather by

their garb than by the quality of their instruction. And these men were seducers grievous to all Christians, and were always favoring the religion of the emperor. During his nightly vigils he composed books which he read publicly in the Senate; for alone of the emperors since Julius Cæsar he recited orations in the *curia*. He forbade the public racing of mules and horses, bidding them be put to public uses. These acts of his are praised by a few but censured by most, because when pomp is removed from the palace, the Empire seems to fall into contempt.

Sozomen says that at the very beginning he so openly and shamelessly denied the Christian faith that by certain sacrifices and incantations which the pagans call "expeditiones," and by blood offerings, he sought to wipe out the effects of our baptism and renounce his professions of membership in the Church. From that time forward both secretly and publicly the pagans were permitted freely to celebrate their sacrifices in their temples. It is also told that once when he was sacrificing there was shown to him in the entrails of a sacrificial victim the sign of the cross surrounded with a crown. Upon seeing which, the rest were struck with terror and recognized the power of the true religion and the everlasting might of the dogma of Christ, because the crown is the symbol of victory and the circumference of a circle, returning into itself, knows no end; but the emperor, comforting them, asserted that it was rather an omen of good fortune for himself, and that the symbol of Christian dogma was shown to be restrained within limits, so that it should not be permitted to expand beyond the boundary of the circle. Once when Gallus and Julian were still boys, when they were building a basilica together at the tomb of the martyr Mammas, and had divided the work between them, and were contending with one another as to whose part should be finished first, a marvellous thing, and one which is perhaps incredible, is said to have occurred. For the part of Gallus in-

creased and grew solidly; but the labors of Julian either caved in, or by a motion of the earth became filled up with rubble, or again the foundations could not be firmly planted in the earth, as if some violent power from below were repelling them by reverberations. The thing seemed marvellous to all who saw it, and they accordingly supposed that that man could not be sound in the Christian faith. Nor were they mistaken; as was afterwards disclosed. For he despoiled the churches and the ministers thereof of their possessions and privileges, and, what was beyond all measure oppressive and outrageous, bade clerics to be included with the soldiers told off to serve the duke of a province, and transferred a large number of them to the court. He ordered the names of all the Christian people with their wives and children to be recorded, and commanded them to pay tribute like villagers; and he made a decree subjecting all the "Galileans" to a wretched abatement of civil status. But at the outset, by leniency to the Christians, he made a show of mildness, knowing that earlier persecutors had achieved no success by the punishment of the Christians, who on the contrary had drawn increase of numbers therefrom, and had won glory by dying for the true dogma. Therefore, envying them their glory, he refrained from torture, thinking that it was necessary rather to use persuasion and exhortation to turn the people to the cult of paganism, and hoping also in this wise to gain a reputation for mercy. For it is said that once at Constantinople, when he was sacrificing before the Fortune of the City, Maris the bishop of Calcedon came up to him and publicly denounced him as an impious and godless apostate. But the emperor, going no further than to taunt him with his blindness, because the blind old man had to be led about by the hand of another, added, "Nor can thy Galilean God cure thee." Maris replied, "I give thanks to God who has done this thing that I might not behold thee stripped of piety." Whereat the

emperor went away in silence, imitating a philosopher, that by his ostentatious forbearance he might strengthen the cause of paganism.

Moreover by law he forbade sons of Galileans to learn the arts of poetry, rhetoric and philosophy. "We are wounded," he said, "with our own weapons, according to the proverb; for armed with aid from us, out of the mouths of our own writers they undertake to wage war against us." And he made another law ordering Galileans to be expelled from the military services. He added still another to the effect that the goods of Galileans should be taken from them, since their Christ had enjoined poverty upon them. In the time of this emperor, Apollinaris, a man of learning and genius, wrote of Hebrew antiquity in heroic verses modelled upon the poem of Homer, and in another work imitated the comedies of Menander, having removed the fabulous elements. He also imitated the tragedies of Euripides and the lyric odes of Pindar; and it must be said without reserve that, taking his themes from the Divine Scriptures, he covered in a short time the whole encyclopedia of the arts, his works in each field being fully the equal of the Greeks in metre, moral power and tone, style, characterization and arrangement. He also made a noble book entitled "To the Emperor himself, or against the Philosophers," wherein, saying nothing on the authority of the Holy Scriptures, he proved the folly of these men by irrefutable reason itself, and demonstrated the truth of his own opinions concerning God. Upon reading which book the emperor wrote to the leading bishops, "I have read and found only matter for censure." To which the bishops replied, "Although you may have read, you have not understood; for had you understood, you would have found nought to censure." Basil the Capadocene is supposed to have been the author of this letter.

Coming to Antioch, the emperor was ridiculed because he had allowed his beard to grow very long, and the people of Antioch

said, "Let him be shaven, that his beard may be put to some use by being woven into rope." And because he was wont to offer a bull as a sacrifice, he ordered a bull and an altar to be placed by his throne. Then the people railed thereat, saying, "This bull is upsetting the world," and had not Libanius restrained him, he would have punished severely the people of Antioch, against whom he then wrote a book which is really quite witty. Furthermore, in order to incite and arm the Jews against Christ, he commanded them to restore the temple at Jerusalem. When they came together at this summons from all the corners of the earth, he gave them many supplies and sent them a governor, a fit agent and instructor of impiety. For they say that for the purpose of repurification they had buckets and baskets and basins of silver; and that when they commenced to dig, on the appointed day the multitude made a great beginning. But during the night the earth of its own accord rose up and filled the excavation. Next, clearing away what remained of the earlier foundation, they prepared everything anew. And when they had collected many thousand measures of gypsum and lime, there suddenly came a great storm of wind blowing in tempests and whirlwinds, and scattered all that had been collected. But since they still persisted in their madness, and were in no wise snatched therefrom by the divine long-suffering, there was first a great earthquake; and all who were not initiated in the divine mysteries were thrown down violently. As not even this sign sufficed to terrify them, a fire bursting forth from under the foundations, which were being dug, cremated many of the workers and cost others the loss of limbs. That night while many were sleeping in a portico near-by, the portico suddenly collapsed, bringing down its roof, and crushing the sleepers. On the following day there appeared resplendent in the sky the sign of the cross of salvation, and also the garments of the Jews were covered with small marks in the form of crosses, but imprinted not in bright colors

but in black. And so, reflecting upon these signs, and trembling before the divine scourge, these rebels against God at last betook themselves again to their own affairs, confessing that He was indeed God who is proved to have been hung upon the tree by their forebears.

Nevertheless, the fury of the impious emperor was not averted by all this, but with hardened heart he commanded that all who refused to offer sacrifices should be denied admittance to the palace and should not be allowed to participate in any guild or college, nor in any legal business or arbitration, nor in any dignity or administrative office whatsoever. But when the Christians were tortured or despoiled, he recommended patience to them on the ground that their Galilean had enjoined this upon his followers both by the express word of His law and also by the testimony of His own acts. Wherefore many of the Christians back-slid, either because they were prostrated by fear or deceived by guile, and so the ferocity of the pagans increased. Julian, to the end of habituating the soldiers to idolatry the more easily, undertook to restore the earlier design of that standard borne aloft by the Romans which Constantine had altered to the form of a cross. And in public statues he caused Jupiter to be represented as defending from heaven the emperor's crown and purple, and Mercury and Mars looking down upon him, with protecting glances, as if in witness to his wisdom and bravery; doing this in the matter of the statues to the end that the gods might be covertly worshipped on the pretext of worshipping the empire, and that his subjects, deceived in this fashion, might be beguiled the more readily to do that which he desired. But if they proved obstinate, they would be tortured as disloyal to the empire. He approved, however, the zeal and works of the Christians although he persecuted their faith; and the practice of the virtues whereby he sought to strengthen the error of the pagans, he pretended was not real but only simulated among the Christians. Therefore

he determined to strip their virtues from them, and to indoctrinate and train the pagans in Christian morals separated from the Christian faith; and he also wished them to cultivate philosophy, as is shown by the following letter which he wrote to Arsacius the high-priest of Galatia: "The pagan cult is not yet practised according to our intention because of the negligence of its votaries. The fame, greatness, and sublimity of the gods exceed all power of speech and all hope. May the gods still be gracious to us in respect of our negligence, since their providence in so short a time has wrought so great a change as no one at the outset would have dared even to pray for. Since, therefore, we believe that this can suffice, we are in no wise concerned at the manner in which the superstition of the Christians has been increased by the efforts of pilgrims and by the many consolations and attempts at honest conversations around burial places and the bodies of the dead, since among that sect such things are not genuine but false. But these things among us should, I think, be done truthfully. Therefore, it is not enough that you should yourself be such a man, but also all the priests throughout Galatia without exception. Do you therefore entreat them earnestly or persuade them by reason, or definitely remove them from their priestly office without delay, unless with their wives and children and slaves they submit their necks to the gods, no longer tolerating their slaves or children who hold in contempt the doing of this, or Galileans who act with impiety against the gods, and prefer impiety to piety. Next admonish all that no priest shall go abroad to public spectacles or drink in taverns, or preside over any guild, or over base or shameful works. Let those who obey be honored, displace those who disobey. Establish hospices in every city, that pilgrims may enjoy our charity, not only our own people, but strangers who are in need of money. That you may have wherewith this can be done, I have meanwhile decreed that in each year thirty thousand measures of wheat shall be

donated throughout the whole of Galatia and sixty thousand sextarii of wine. Of these the fifth part should be doled out to the poor who frequent the temple observances, the rest distributed to pilgrims and those who are in need. For it is a shameful thing that impious Galileans should not turn away Jews from their doors, but rather give them food quite as if they were of their own people, and should do the same to our people, while our people are forsaken and neglected by their own. Wherefore teach the pagans to make contributions for these ministrations, and bid the pagan villages to make offerings of first fruits. And give instruction to those who are recipients of benefits of this kind, teaching them that these alms belonged but shortly before to our people. Homer approves this in the story which he introduces of Emenius doing such things. As it is, we are not imitating the good works of our own people, but are leaving them to others, being not so much disordered by negligence as, in fact, rather spewing reverence for the gods out of our mouths. Accordingly, if I learn of your doing these things, I shall be full of joy. Only in rare instances receive provincial governors into your house, transmit written communications to them frequently. When they enter the city, let none of the priests go forth to meet them. And when they come to the temples of the gods, let none of their soldiers or of the officials who precede them enter the doors before them, but let who will follow after. When he arrives at the threshold of the temple, let him thereafter be considered as a private individual. For within, you, as you know, are the judge; this is obviously required by reverence for that which is holy. Those who are obedient in the face of the truth are pious, those who resist vainglory are approved. For what ought one to suffer, or what aid would he deserve, who refuses to have the favor of the Mother of the Gods? Those, therefore, who neglect her, will not only not escape accusation, but will also incur the zeal of our indignation. For it is not right

to spare one who holds the gods as enemies. Persuade them above all that if they wish to enjoy my protection, all must strive to offer up worship to the Mother of the Gods."

Thus he wrote, and organized the temples of demons after the likenesses of a church, and instituted ministers of different grades on the model of the clergy, to the end that there might be some who should teach others the cult of infidelity and reform penitents after the commission of a fault by moderate correction according to the Christian practice. But nothing which was done by the pagans against Christ was considered an enormity. This was true to the point that the pagans did not regard it as inhuman or even cruel to practise their ferocity against the dead. Wherefore in the city of Sebasta they opened the tomb of John the Baptist, set fire to it and scattered his bones and ashes to the winds. But if I wished to enumerate even the chief of his crimes or to summarize what was done by his means against the Church throughout the world, many great volumes would be required, so cópious is the material. But let us hasten on toward the end which the righteous Galilean, the Son of the undefiled Virgin, inflicted by His might upon the impious persecutor for the comfort of His Church and the glory of His majesty wherein He is co-equal and of one substance with the Father.

The emperor, then, girding himself up for his Persian expedition, sent, as was his wont, to Delphi and Delos and Dodona, to consult whether it was expedient for him to go forth to the wars. And all the seers and soothsayers promised him victory, inspired with one reply among the rest which as an example of mendacity and seduction I shall not be sorry to insert. It was to this effect: "Now we all advance to the victory of God, bringing back trophies near the river Thiris; of these I shall be leader. Mars, the wager of war." Whoever believes in Phicius, the prince of the Muses and lord of reckonings, let him interpret the force and meaning of this prophecy if he

can. Whereby the miserable wretch was heartened to dream dreams of all manner of victories for himself, and so prepared also to wipe out utterly the Galileans. But by most, as was proper, the vile apostate was despised. In Antioch there dwelt a certain excellent man, a tutor of youths, and there also was the famous sophist Libanius, living in expectation of the victory of Julian and having his threats before his eyes. So he said in derision of the true religion, "Now what do you think the carpenter's son is doing?" But the pedagogue, filled with grace, replied, "Oh Sophist, the creator of all things, whom you have called the carpenter's son, is making a coffin wherein to bury Julian." A few days afterwards news came of the death of Julian, and he was carried into the city in a coffin, and all fear of his threats was brought to an end. At about the same time a most religious man, Julian surnamed Saba, being asked by the priests as to the cause of his sudden lightheartedness, replied: "The wild beast who tramples down the sacred vine has been called upon to pay the penalty of his devastations, and is dead, and all his threats and terrors are vain."

But it remains to set forth in order the facts concerning the death of the impious persecutor. Accordingly, after having afflicted the citizens no less than the enemy in the Persian war with manifold labors and suffering from hunger and other causes, he came at length to the city of Thesiphon, where he so closely besieged the king that the latter sent frequent embassies to offer him a part of his kingdom if he would end the war and depart; which offer the emperor spurned in his pride, and not considering that while it is good to conquer, to do more than conquer is odious. For he trusted to magic arts, and following the opinion of Pithagoras that souls migrate into different bodies, he believed that he possessed the soul of Alexander, or rather that he was another Alexander in a second body. The Romans complained against their prince, who was thus unwilling to

bring the war to an end, but nevertheless they continued to offer resistance to the attacks of the Persians, so that sometimes one side, and again the other, was routed and put to flight. Julian, sitting upon his horse, inspired the army with courage. He was practically unarmed, trusting in his hope of his own good fortune; some one suddenly hurled a javelin at him, which, passing through his arm, buried itself deeply in his side. This wound cost him his life. Who inflicted this most righteous wound remains, however, to this day unknown. But some say that it was inflicted by an invisible hand, others by an Ismaheliitish shepherd, others by a soldier maddened by hunger and weariness; but whether man or angel, it is clear that he was a minister of the divine commands. For they say that after he had been wounded, he filled his hand with blood and threw it into the air, saying: "Thou has conquered, Galilean, thou hast conquered"; and therein confessed His victory, though blasphemously.

Thus he died in the third year of his reign as emperor, and the thirty-first of his age; but to good men he seemed to have lived too long; and they proclaimed the victory of the Galilean not only in the churches but also in the theaters. For all shouted aloud, "Thou great fool, where are now thy prophesyings? God and His Christ have conquered." After the death of the blasphemer, there were found in the temples stupendous images of the prince, and marvellous tokens of his celebrated and highly praised wisdom and piety. For when the temple at Carrae was opened, which he had ordered to remain closed until his return, there was found the body of a woman suspended by the hair, having the hands extended and the womb opened, in whose liver he had sought to find an augury of the outcome of his Persian war. Again, in Antioch they found in the palace many chests filled with human heads, and countless dead bodies thrown into the wells. These monstrous crimes, which befitted neither an emperor nor a philosopher, but rather

a blasphemer and magician, the enemy of God and man, are narrated at greater length in the Tripartite History.

Among the people of Britain also, as is shown by a certain episode from the history of our nation, the hand of the most glorious martyr king Eadmund was employed by God to thwart and punish the madness of tyranny. For when Swain was pillaging and laying waste the isle of Britain, of which he had in great part taken possession, and was afflicting the members of Christ with manifold persecutions, he burdened the province sorely by laying thereon a tax which in the language of the English they call the Danegeld, and he commanded the properties of the aforesaid martyr to be subjected to the tax. Supplications and entreaties were addressed to him; he spurned them. A brother in religious orders was sent by the martyr to warn the tyrant under threat of punishment not to oppress the Church of Christ, the house of the martyr and his free household with unmeet servitude. But his impiety proved deaf to prayers, was incensed at the warning, and hardened by the threats; and inflicting insults and injuries upon the humble messenger, he hastened the avenging hand of God, provoked the scourge, and by despising the forbearance of God rushed on with blind temerity to his death. Nor was it slow to come. For as he was going about the camp in the midst of his soldiers, and while he was alone, as he himself has confessed, he suddenly saw the blessed Eadmund at his side holding a sword, wherewith, after reproaching him severely, the martyr struck him dead. For the tyrant expired in his tracks, and from that day, although the island has had grievous tyrants, the church of blessed Eadmund has ever remained immune from the imposition of the aforesaid tribute. For none of them has dared to provoke the martyr or to put himself in peril by oppressing his church. But in our own days Eustace, the son of Stephen, who had determined to vent his fury and cruelty against the Church of God, after he had ravaged all things

as far as his power extended, and saw that the lands of blessed Eadmund, to which all robbers had shown respect, were wealthy, and did not belong to him,—this Eustace, having consumed all the resources of the kingdom whence time after time he could draw the pay for his soldiers (for free gifts had by now been exhausted), ravaged the estates of the aforesaid church. But he had not yet digested the food which he had procured from the resources of the place, and on the very day before he was to betake himself to his own home, which was altogether too near at hand, he was touched by the hand of the martyr and smitten with a fatal disease, whereof on about the eighth day he departed this life and all his fortunes. But why linger upon a select few? To speak of those of our own land, where are now Gaufred, Milo, Ranulf, Alan, Simon, Gilbert, men who were not so much counts of the kingdom as public enemies? Where is William of Salisbury? Where is Marmion, who at the touch of the Blessed Virgin fell into the pit which he had himself prepared? Where are the rest, whose very names would fill a book? Their malice is indeed notable, their infamy famous, and their unhappy endings a thing whereof the present age cannot be ignorant. If, therefore, a man is not acquainted with ancient history, if he does not know how Cirus who put kings to flight was overthrown by Tamiris, the queen of the Scitians, if he does not recollect the mischances and downfalls of by-gone tyrants, let him attend to the things which are forced upon his unwilling eyes, and he will see more clearly than the light of day that all tyrants are miserable.

CHAPTER XXII

OF GEDEON, THE PATTERN OF RULERS; AND OF ANTIOCHUS.

I therefore do not understand what object men who strive to oppress the commonwealth, that is to say the people of God, with the yoke of unmeet servitude, desire to attain for themselves, unless perchance they lust after power to the end that they may endure powerfully the torments of misery. For if they only desired to reign and not to rule with a high hand, they would justly estimate the burden of office and by no means run after it with such frantic avidity. For the will of a true ruler depends upon the law of God and does not prejudice liberty. But the will of a tyrant is a slave to his desire, and rebelling against the law, which cherishes liberty, strives to impose upon his fellow-slaves the yoke of slavery. This the Scripture teaches, which it is not lawful to contradict. "All the men of Israel said unto Gedeon: 'Rule thou over us, both thou and thy son, and thy son's son also, for thou hast delivered us from the hand of Madian.' And Gedeon said unto them, 'I will not rule over you, neither shall my son rule over you, but the Lord shall rule over you.' And he said unto them, 'One request I make of you, that ye would give me the earrings of your spoil.'" [1] I seem to myself to see what I have just said reflected on the face of this passage. For Gedeon, which being interpreted signifies one who circumvents the unprofitable or who puts their iniquity to the test, here seems to point out in express words the duty and office of a prince.

[1] Judges viii, 22 ff.

For it is his duty to circumvent the things which are unprofitable, and either destroy them or restore them to fruitfulness, and to exclude from the boundaries of his territories whatever of injustice he discovers therein, to the end that victory over his enemies may be vouchsafed to him. The honor of lordship is offered him and he refuses it; but he subjects to the law those whom he frees from the yoke of slavery. To his sons is offered the honor of succeeding their father; but he preferred rather that God should be honored. Who will rightly liken to such a man those who confuse right and wrong, who labor indefatigably to the end that they may leave to their children a heritage not so much of honor as of plunder and iniquity? For who is there who does not prefer his own children to God's Law and to His justice, which consists solely in charity? It is written that "he that loveth father or mother or children more than he loveth me, is not worthy of me."[2] And surely those who prefer transitory things to Christ shall themselves pass away more quickly than those transitory things; nor is the glory of them perpetuated in whose eyes, postponing Him to other things, Christ remains inglorious. Therefore let the prince be in fear of downfall, who, forgetful of charity, and moved by love of his children or some other affection of the flesh, diminishes the divine honor.

There is, of course, none who is willing to confess that he is a rebel against God; and yet the number of such rebels is exceeding great, and today such things are done openly. Antiochus entered the sanctuary with pride and haughtiness; and today this is done by many. Ozias, whom the infallible Book records to have been in many things a just man, upon the death of Zacharias the priest, whose surname signifies "the intelligent," invaded the precincts set apart for the priesthood with insolent impiety, and when the Levites cried out against him,

[2] Matt. x, 37.

"Art thou not Ozias the king, and no priest?" he scorned to hear them. But straightway a leprosy attacked that part of his body which the priests in accordance with the law covered with the plate of gold, so that in fulfilment of the prophetic imprecation his face might be filled with iniquity.[3] This king is notable among other kings of the same time and for the further fact that in the year of his death was born that Romulus from whom descended the race of the Romans. Very many imitate Ozias by presuming against the prerogatives of the priesthood, but very few blush with the shame of his leprosy. Even more follow in the footsteps of Antiochus, who entered the sanctuary not that he might with due devotion offer sacrifice in the place of the priest, but rather that he might destroy whatever was holy in the temple of the Lord. For after Antiochus had caused to be made an idol of desolation and abomination, he burned with fire the books of the law of God and destroyed them; and whosoever was found to have in his possession the books of the covenant of God, and whosoever kept the law of God, was in accordance with the edict of king Antiochus foully put to death. I have seen men in my own time meddling in the sacred offices and rashly lifting up their shoulders to snatch away the ark from the shoulders of the Levites, and who seem to have forgotten the place which unto the present day is called the place of Ozias' smiting. Others I have seen who consign the books of the law to the fire and do not scruple to destroy them if the laws or canons come into their hands. In the time of King Stephen the Roman laws were ordered out of the kingdom, whereof the knowledge had been received into Britain through the household of the venerable father Theobald, the primate of Britain. By a royal edict it was forbidden even to keep the books, and silence was enjoined upon our Vacarius; but by the power of God the virtue of the law was

[3] See II Chron. xxvi, 16–22.

strengthened the more by the efforts of impiety to weaken it. Who is there among so many thousand ambitious to rule who wishes to be like unto Gedeon? Or who wishes the law to rule over himself and over the people? And yet all should be content with what Gedeon asked of his subjects, namely if from the booty he obtains for himself only the ear-rings. For if his care were only to proclaim the words of the law, the people would be content to obey him, so that there would be no iniquity and strife in the state; and it should surely suffice to the ruler to content the people over whom he presides.

CHAPTER XXIII

THAT THE ADVICE OF BRUTUS IS TO BE EMPLOYED AGAINST THOSE WHO NOT MERELY CONTEND BUT SCHISMATICALLY FIGHT FOR THE SUPREME PONTIFICATE; AND THAT FOR TYRANTS THERE IS NO PEACE.

But grant that it is permissible for men of the flesh to contend for the primacy, still I think that on no account is this ever permissible for churchmen. Yet from the example of men of the flesh, impiety creeps forward under the guise of religion, and priestly power is now not merely contended for, but actually fought for. Of old time men were dragged unwillingly to the seats of honor in the Church although they were eager for martyrdom; but they fled from the chief seats more earnestly than from the prison and the cross. Today priests speak openly to the opposite effect and say that the proverb is a thing of nought. "We do not wish to be martyrs," they say, "but we will not give to another the glory of our thrones." Verily a poor and miserable speech in the mouth of a priest who thus confesses Christ in such wise that he openly admits his unwillingness to follow Him. Can it be doubted whether one dies a true confessor who is not at all times ready to bow his neck to the persecutor should need arise? For Ciprian says, "If a bishop be afraid, all hope for him is gone." But grant him leave to be afraid even; for him not to stand fast in time of need is a thing which is not permissible. A deserter is noxious, infamous.

Yet there is one thing wherein they seem to imitate the

steadfastness of martyrs, namely if it becomes needful to fight for their thrones. It is alleged by some, and it is indeed the truth, that the office of Roman pontiff has sometimes, nay rather has often, been contested by ambitious men, and not without the shedding of fraternal blood has the pontiff entered the Holy of Holies. Once more there have been kindled wars more than civil, and priestly conflict has excused Cæsar and Pompey and all the presumption and impious work at Philippi, Leucas, Mutina, or in Egypt or Spain. Are men Christians who thus procure the shedding of blood to the end that they rather than others may be advanced to the office of laying down their lives for their flock, which is the duty of a shepherd? Do they rend the Church asunder and profane the sanctuary, to the end that there may be somewhat to build again and sanctify? Perhaps they wrack the nations with extortion, harry kingdoms, plunder the resources of churches, only to the end that they may create for themselves the opportunity and means of deserving well, only to the end that they may set all things in order and that they may snatch from their competitors the necessity of ministering to and providing for the poor. But if, on the contrary, their object is to procure but a wider license and larger impunity for themselves, to heap up money, to favor, aggrandize and corrupt their flesh and blood, to ennoble their family, if in short they seek their own glory in the Church, lording it haughtily over their flocks rather than being an example unto them, then although with their lips they pretend to assume the pastoral office, they are more rightly to be numbered among tyrants than among princes. The philosophers say, and I think truly, that there is nothing in human affairs better nor more useful than man, and among men themselves nothing better nor more useful than a prince, whether ecclesiastical or temporal; on the contrary there is nothing more hurtful to man than man, and among them the temporal or ecclesiastical tyrant is more hurtful than any other. But cer-

tainly of the two kinds, the ecclesiastical is worse than the temporal. For salt which has lost its savor is altogether good for nothing save to be thrown out of doors and trodden under foot by men. Further,

"'Tis Love of gold alone that knows not how to fear the sword, or death;
Laws may perish and be lost without a contest;
But wealth, thou vilest part of things, thou hast set strife in motion." [1]

Therefore unity is divided, solidarity cleft asunder, sincerity corroded, holiness stained, and a new judgment of the world proclaimed; and its prince, who was expelled by the suffering of Christ, returns again and spreads blocks of stumbling; so that blessed indeed is he who is not caught in his entanglements:

"With such increase of new crimes do they contend which shall rule the world?
It had scarce cost so much of civil war to provide that neither should!" [2]

The right way to eminence was taught by Christ, who did not wish His disciples to resemble the kings of the gentiles that have lordship over their subjects and they that have authority are called benefactors; [3] but rather that he that is greater should of his own accord humble himself, and prove his title to the office of ministry in preference to others solely by lawful means and peacefully, all contention and resort to force being utterly put aside. But these men have preferred another way, climbing up in opposition to their brethren; and rejecting the humility of service, they lust after lordship more even than the kings of the gentiles; nor is there any doubt that, their charity

[1] Lucan, *Phars.* iii, 118–121.
[2] Lucan, *Phars.* ii, 60–63.
[3] Luke xxii, 25.

cooling, nay rather becoming wholly extinct, they place their thrones toward the north; and they hate their peers who have been promoted. Would that those who looked upon such times had followed the advice of Brutus, from which he was turned by the influence of Cato when the civil war impended. For he had decided to refrain his hands from civil strife, wherein the more gladly and boldly a man mixes, the more unrighteous and monstrous does he show himself to be. Therefore he says:

"After the war, thou wilt not hold Brutus an enemy of either Pompey or Cæsar, no matter which is victorious." [4]

If, therefore, those for lordship over whom the schismatic rivals are contending were truly wise, they would leave them to carry on their contest alone and unaided, and would fear to lend help to either, being doubtful as to which will in the end be the victor, but being certain of the greatness of the ruin which impends upon the vanquished.

"If you shift the point of view, neither side in a war ever has unstained hands." [5]

And again:

"The cause which was victorious was that which pleased the God, but Cato chose the vanquished." [6]

Let the world applaud when either has won the victory by his own unaided efforts, but let it rejoice with more genuine joy if both or neither vanquishes. Let them meet, therefore, if you will, on the island of Licaonia, or any other place which seems better fitted for wars or duels; because the ancients, according to Quintilian, gave the name of wars to what we now call duels; and so without danger or damage to the world or

[4] Lucan, *Phars.* ii, 283.
[5] Lucan, *Phars.* vii, 263.
[6] Lucan, *Phars.* i, 128.

to the City let that one of the duellists conquer whom God has either approved or has at least permitted to be victorious. And let the defeated contender, if the victor so pleases, be drowned in the Tiber, or if it seems good to deal with him in gentler fashion, let him be thrust into the monastery of the Cave, and let the abbot, when he opens the cloister, or rather the prison, of the place to receive him, assure him that it has been prepared for him not as having been condemned, but merely defeated; for verily,

"There was never sincerity so great as to choose the unfortunate for its friends." [7]

But as for him who has won the victory, that is to say the stronger and more violent of the two, let him be deported as a perpetual exile to Lipare or some other island, and be condemned to work in the quarries or mines. For the crime of schism reduces to an equality those whom it contaminates; except insofar as the one who is the stronger, or rather the fiercer, is generally the worse and more wicked of the two.

What is more hurtful or more hateful than civil war? Surely nothing except the fury of schismatics or the pestilence of heresy. Of which two it were not easy to say which is the more hurtful, if indeed there is any way of separating them quantitatively. Clearly civil wars will cease if the rash presumption which instigates them finds none to come to its assistance. Nor is there any man who can stir up his fellow-citizens to frenzy unless to some extent their own madness lures them on. Truly the necessity of acting the madman because others do so is either wholly absent or largely imaginary. This opens a door to many dangers, and those of the gravest kind, of which no one can well avoid the outcome except by taking precautions against the condition which gives rise to them.

[7] Lucan, *Phars.* viii, 535.

This was intimated by the gravest of poets, or if you prefer an orator and think that Quintilian phrased the idea better, I will not object, so long as it is established that precautions should be taken in advance against those things which can issue in public perils, and that the whole community cannot be coerced by a single individual to follow after wickedness against its own will. For the poet says:

"This soldier, although as yet unstained by blood,
Dreads the things which he might have done. Why beat thy breast?
Why groan so madly? Why weep these idle tears?
Dost thou not admit thou didst stoop to the crime of thine own free will?
Dost thou so fear the man whom thou thyself makest to be fearful?
Let him sound the trumpet to war; do thou disregard the dire signal;
Let him advance the standards; do thou not move; and then Civil Fury
Will fade away, and Cæsar, a private citizen, will love his son-in-law." [8]

This, this is the way whereby if the Church of God were to erect herself into the freedom of the Spirit, if she were to refuse to submit to the service of wickedness, either schisms would be altogether quelled, or else schismatics would contend only among themselves, and the bond of unity would remain unbroken! Meanwhile let the Church refrain her hands, since the sword of Peter who thirsted for blood with carnal affection is now by God's mandate shut up in its sheath, and the disciples who burn to root out the tares are bidden to be patient and await the coming of the harvesting angels. Let the solidarity of unity therefore pray that the unhewn stone whereon the Church is founded, which schismatics assail, which brings unity out of division, may draw together all dissentients into itself.

[8] Lucan, *Phars.* iv, 181–188.

even as He bade that His garment should not be divided, but should be kept entire and that the faithful should draw lots therefor. So I say let the prayer of unity be that faith may not fail or be found wanting, and that it may not, by seeking in the sieve of Satan, scatter the wheat, but rather sift it. Let us pray for peace, let us seek after peace, let us pursue it even when it flies from us. Let us remember the example of Him, who though He could have led forth more than twelve legions of angels, yet by His exaltation upon the cross gained all things; for the merit of His death has so exalted Him that to His glory every knee should bend.

Priestly wars draw wicked schismatics into them, but they also make the righteous who consent to them doers of evil. Let them therefore remain inactive and aloof, standing afar off with Peter until they see the end. Let them recollect the lines of the heathen poet:

"If rage gave weapons to the divine dwellers in Heaven,
Or if the earth-born giants attempted the stars,
Still human piety should not be so daring as to deem
That by its weapons or its worship it can benefit Jove." [9]

This thought, it would seem, ought to be kept in mind in those matters where

"It is wicked to ask or to know which side more justly took up arms." [10]

For if the heretic or schismatic assails the Catholic, then and in that case it is a pious act to go to the aid of the Truth, and obey the Roman pontiff with the utmost devotion. This is certainly the case where the fact is definitely known; but the schismatic often falsely pretends to be Catholic. Who, how-

[9] Lucan, *Phars.* iii, 315–318.

[10] Lucan, *Phars.* i, 126–127.

ever, will be so bold as to pass judgment on the supreme pontiff, whose case is reserved for the decision of God alone? Verily, whosoever shall attempt this, will labor in vain, but can in no wise profit. Nor do I circumscribe the name of pope narrowly; let him be held for pope, whoever he may be, provided his election has proceeded canonically. Jonah, to prevent shipwreck, made shipwreck of himself, and preferred to perish alone rather than involve others in his perils; yet he had not undertaken the duty and care of ruling the ship. Salomon drew the inference of maternal affection from the fact that she preferred to surrender her child to the falsehood of the harlot rather than see it divided. But these men prefer to put the Church in peril and see it torn asunder rather than refrain from usurping honor and bringing disgrace upon innocent Mother Church. "This woman," said Salomon, "is its mother, because from love she refuses to have it divided." On the contrary, he is a stepson who

"Searches with steel the vitals of his mother."

How many and what frightful shocks and tumults were caused by the clash when the son of Peter Leon strove to rise up from the north against Innocent of blessed memory, fifth predecessor of our Lord Adrian, whose life and felicity may God prolong forever in His bosom! And did not his fall drag down with it a portion of the stars themselves? Who knows not of Egidius of Tusculum? Who knows not of Peter of Pisa, whose like there was none or hardly one other in the curia? Who can count the bishops throughout almost the whole of Italy who were overthrown? Verily, since that great overthrow occurred within our own time or memory, it is incredible that any should be so wretchedly ambitious as not to fear to split the Church. I cannot believe that there is any so unfeeling as not to prefer rather to be destroyed himself than that

for his sake so great a turmoil should come to pass. If because our sins require it, any such hangman shall ascend the throne of Peter, and in defiance of the Lord succeed to the government of His vessel, surely he will make shipwreck and not undeservedly, since even Peter, who was called by the Lord, was terrified by the great tempest and was almost drowned, and the ship which carried the Lord as a passenger despaired of safety until Christ was roused from His sleep by their prayers. Verily he who ascends shamefully shall even more shamefully be whirled about and shall be most shamefully cast down, nor do those things have happy endings which issue from a bad beginning. Discord and strife are the surest sign of iniquity and disloyalty; indeed

> "Discord ruins smallest things,
> The greatest hold by peace." [11]

Phaëton in the fable, through his ambition to drive his father's chariot, set the whole world on fire until at length, through the mercy of God, he was himself consumed by fire and fell headlong amid the fragments of the chariot. Then

> They say there came a day without the sun"; [12]

and so while the Church, set on fire with schism, burns, Christ seems to be absent. Ycarus, too, when elated by youthful levity he was borne aloft into Heaven, was afterwards drowned in the waves of the sea. For he was cast down while he was exalted; indeed the exaltation of the impious is but the prelude to their heavier fall.

For who is a greater monster of iniquity than the man who drags down the ministry of peace, the service of sacrifice, into brawls and hangman's work? To what end, I ask, does such

[11] Lucan, *Phars.* ii, 272–3. [12] Ov., *Metam.* ii, 331.

enormity tend? To the end of life? But their end is destruction. To the end of glory? But the glory of such men is their shame. To the end of pleasure? Therefore indeed the God of such is their belly. To the end that they may be ennobled in flesh and blood? But flesh and blood shall not possess the kingdom of God. Against these men of the flesh not I but the trumpet of the apostle thunders these and even graver things: "Whose end," he says, "is destruction, whose god is their belly, and whose glory is their shame, because they mind earthly things." [13] If their end is that they may gratify their own will by lording it over others, which is the act of a tyrant, nothing less shall happen to them; for verily there is no safety or peace for the tyrant. Inquire of Damocles, and he will confess that he learned this from the tyrant of Sicily when he was in danger on all sides of falling into blazing coals, and a sword, hanging as it were by a weaver's thread, threatened at a nod to descend upon his neck like an executioner in the midst of so many regal delights. The same lesson is taught by Theodosius, in Claudian; for he says:

"The man who strikes terror into others is in greater fear himself;
That is the fate which is appointed for tyrants;
They must envy the illustrious and slaughter the brave.
They must live hedged by swords and fenced in by poisons;
They must dwell in a citadel that is insecure, and threaten while they tremble.
Bear thou thyself therefore as a citizen and a father;
Take counsel for all; and let not thine own wishes but the public will be thy ruling guide." [14]

"Blush, O Sydon, for the sea speaketh"; [15] because here the man of the flesh speaks that which the man of the spirit must blush

[13] Philipp. iii, 19.
[14] Claudian, *IV Con. Hon.*, 290–295.
[15] Isaiah xxiii, 4.

to hear. For if priests did indeed heed these words, they would by no means run through weapons and through foes to seize the chief seats in the Church.

Although all defer to the supreme pontificate as the very apex of things, still in my own opinion, I think that so far as is consistent with the safety of religion a wise man ought to shun it rather than take it upon him. For, to speak the truth from my own knowledge, it seems to me the most laborious and wretched post, so far as pertains to the condition of the present age. For if he pursues his own avarice, it is death to him; but if not, he will not escape the hands and tongues of the Romans. For unless he has that wherewith he may stop up their mouths and restrain their hands, he must harden his eyes, his ears, his heart to endure their revilings, their outrages and their sacrileges. Now there are three things which beyond others pervert utterly the judgment even of wise men, namely love of gifts, respect of persons, and credulity. For no one can at the same time be influenced by these things and administer justice. Therefore it is needful that the Roman pontiff should be immune from these things, since it is his duty to curb the excesses of all. But if he hates gifts, who will force presents upon him against his will? And how then, if he does not receive, will he be able to bestow? And how, if he does not bestow, will he be able to please the Romans? If he does not show personal favoritism to those who are prominent among them, how will he be able to hold his ground in the face of them? For he will scarcely be able to judge of a sacerdotal cause in conclave without being compelled to admit them into all his councils. And what of the fact that he must condemn simony, the taking of gifts, and the receipt of compensation? If he follows these practices, must he not condemn himself with his own voice? If in supreme power there is the least freedom from restraint, verily he who is over the laws is subjected to no law, but is all the more strictly obliged not to commit unlawful

acts. And for this reason the Roman pontiff has the least lawful liberty by virtue of the very fact that he has the most. And what is a heavier burden than the care of all the churches? The privilege of the apostle descends to his successors, and clearly a part of the privilege is that whereof the apostle speaks to the Corinthians: "Who is weak," he says, "and I am not weak? Who is caused to stumble, and I burn not?" [16] If you do not wish to go through all aspects of the matter, let him who contends for the primacy once prove his right to such a post, and I think he will speedily surrender the place. Besides, he who is pontiff of Rome must of necessity, because of the condition the Church is now in, be the "servant of servants"; and not merely nominally and for the sake of glory, as some think, but actually and in substance, as one who must serve the servants of God, even though unwillingly. For each of the three persons of the Godhead is a servant and a dispenser of His mercy or justice. The angel is a servant, the human being is a servant, good men are servants, bad men are servants, and the devil himself, the prince of the world, is a servant. Therefore even the Romans are servants of God, although they are tyrants whose servant the Roman pontiff must necessarily be, to the point that unless he is their servant he must of necessity cease to be either pontiff or Roman. Who then doubts that he is the servant of servants? I call upon Lord Adrian, whose times may God render fortunate, to bear witness to this fact, namely that no one is more wretched than the Roman pontiff, that the plight of no man is more miserable than his. And though there were no other cause of harm, he must necessarily sink down speedily under the burden of labor alone. For he confesses that he has found so many miseries upon that throne that on making a comparison of the present with the past, all the bitterness of his preceding life seems as joy and the great-

[16] II Cor vi. 29

est felicity. He says that the throne of the Roman pontiff is a prickly seat, his mantle sewed together everywhere with the sharpest thorns, and of such great weight that it weighs down, exhausts and crushes the strongest shoulders; and that the crown and mitre rightly seem bright only because they are of fire. And he says that he wishes that he might never have left his native soil of England, and had remained forever unknown in the cloisters of blessed Rufus, rather than to have exposed himself to such great anguish, were it not that he dare not resist the dispensation of God. While he is still alive, make inquiry of him directly and believe one who speaks from experience. And the wisest thing of all that he said to me was when he added that as he ascended step by step from a simple clerk of the cloister through all the offices up to supreme pontiff, he never found that anything worth while was added to his previous happiness and tranquil peace by his ascent. And, to use his own words (for when I am with him, his graciousness never wishes that anything shall be hid from my eyes), he says, "God has ever enlarged me upon the anvil and with the hammer; but now may He support with His right hand, if He pleases, the weight which He has laid on my weakness, for of myself I cannot support it."

Is not the man most deserving of misery who fights to attain such misery? Let the richest of men be chosen, on the following day he will be poor and burdened by obligations to almost countless creditors. What then will happen to him who is called by no election, but against the will of Christ as expressed in His members forcibly intrudes with blind and bloody ambition, and not without the shedding of fraternal blood? This is verily to succeed Romulus among parricides, not Peter in the care and management of the fold entrusted to him.

JC
121
.J64
1927

WITHDRAWN
From Library Collection

DATE DUE

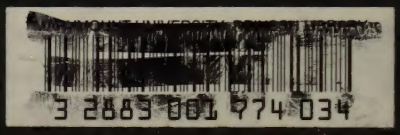
DEC 2 0 2002			

Demco, Inc. 38-293

WITHDRAWN
From Library Collection

Reinsch Library
Marymount University
2807 N Glebe Road
Arlington, Virginia 22207

Knights, 198-9


3 2883 001 974 034